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INTRODUCTIO IN CODICEM

By

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THE AUGUSTINIAN DOCTRINE OF PEACE AND WAR

War, says Clausewitz, is an act of violence intended to compel our opponent to fulfill our will.[1] Here is expressed the essential character of war, the nature that is common to all war, ancient, medieval, and modern. Wars differ in great and countless ways: in cause and effects, in the numbers involved, in leadership, in plan, and in weapons. Yet each of them displays that twofold reality named by Clausewitz: the imposition of the will of one nation upon another, and the use of force as a means to that end. These two things are of the essence of all war. Hence they persist unchanging in the midst of varying accidents of time, place, quantity, and the rest.

By its essential character war necessarily poses a moral problem to mankind. Every man resents the imposition of another's will upon his own. "Free being, remain free," he says to himself in effect if not in words. He resents still more being forced by physical violence to fulfill another's will. As with individual men, so also with nations. More than this, the nation as well as the individual wishes to be left in the peaceful possession of its rights and goods. Neither individual citizens nor nations want to be driven to arms and violence in a continual defense of their possessions. It requires no conscious theorizing for a people to denounce as unjust a wanton attack upon their territories or an unprovoked assault upon their existence and integrity as a nation. Just as the individual denounces the aggressor, so also a nation claims that its attacker is wrong and that it has a right to defend itself against him.

For the Christian, war asserts itself as a moral problem in a more complete and compelling fashion. He remembers the words of Christ: "For all that take the sword shall perish with the sword," "Blessed are the peacemakers," "But I say unto you not to resist evil: but if one strike thee on thy right cheek, turn to him also the other."[2] Such words as these, together with the burden of Christ's teaching and the example of His life, have

[1] Karl von Clausewitz, *Vom Kriege*. Berlin: F. Dümmler, 1832. I, 4.

[2] *Matt.* 26:52; *Matt.* 5:9; *Matt.* 5:39.

sometimes been held to indicate that war as such is evil. If it were the case that war as such is evil, then no Christian—nor any other man—could rightly have any part in it, whether it be defensive or offensive.

The character of the militarized world in which Christianity appeared, the nature of war itself, certain of the words and deeds of Christ, and certain of the doctrines of the Church all conspired to bring the problem of war into clear relief early in the history of the Church. Expectedly, therefore, do we find war and questions deriving from war matters of debate among Christians themselves and between Christian apologists and their pagan opponents. Thus Clement of Rome, Ignatius, and Justin Martyr write upon war and military service. Origen answers charges made by Celsus. Tertullian writes in one way of war and soldiering before his adherence to Montanism and afterwards in a very different fashion. Here as elsewhere we have an instance of the development of attitudes and opinions by debate and controversy, by the assertion of extremist doctrines, and by the refutation of them. Particularly is this seen to be true in the case of what St. Augustine wrote and accomplished with regard to peace and war.

Augustine's doctrine of war and peace is found scattered throughout his works.[3] His earliest discussion of the subject is in his apologetic work *Contra Faustum manichaeum*, and he returns to the subject in *De civitate dei*, in *Quaestiones in heptateuchum*, and in letters to Marcellinus, Boniface, and Darius.

[3] In this study I have availed myself of the researches on the Augustinian doctrine made by my friend and colleague, the late Prof. Herbert F. Wright, Ph.D., professor of international law at the Catholic University of America. They are found in his unpublished M.A. dissertation, written at the Catholic University of America in 1912, entitled "Augustine on Peace," and in his articles, "St. Augustine on International Peace," *The Catholic World*, CV, 630 (Sept., 1917), 745-53, and "St. Augustine and International Peace," *Thought*, VI (Dec., 1931), 399-416. Other discussions of St. Augustine's doctrine may be found in Kato Kiszely-Payzs, "St. Augustine on Peace," *The New Scholasticism*, XVIII, 1 (Jan., 1944), 19-41, and John P. Maher, "Saint Augustine on Peace and War," *The Catholic Educational Review*, XLI (March, 1943), 168-74. The translations of passages taken from *De civitate dei* in this article are revisions of those made by the Rev. Marcus Dods, M.A., in his *The City of God*, 2 vols. Edinburgh: T. & T. Clark, 1871. The text of St. Augustine's works as given in Migne's *Patrologia latina*, vols. XXXII-XLVII, has been followed here.

There is a marked development of thought and a change of emphasis to be noted in Augustine's writing upon peace and war. This is necessary and expected. He began his treatment of the subject by answering a specific objection based on the wars of the Old Testament. Hence in his earlier work there is emphasis upon the directly permissive or regulatory activity of God with regard to war. In his later writings Augustine puts emphasis on the relation of war to the natural order rather than on its place in the divine scheme of things. However, recognition of the permissive role that God plays with regard to war is never lacking either in Augustine's own thought or in the traditional Augustinian doctrine of war which has continued down into our own time. Our present concern is with the substance of Augustine's thought rather than with the logical process by which it was developed in his mind.

"What is peace?" asks Augustine, and he answers his question: "Peace exists where war is absent. What is this, where war is absent? Where there is no contradiction, no resistance, no opposition . . . And so there is no peace where there is conflict."[4] Yet Augustine sees that peace is not merely something negative; it is not the mere absence of war. The root and essence of peace he finds to be in order. In a famous passage he writes:

> The peace of the body, then, is the orderly disposal of its parts. The peace of the irrational soul, the orderly repose of the appetites. The peace of the rational soul, the orderly harmony of knowledge and action. The peace of the body with the soul, the orderly life and safety of the living being. The peace of mortal man with God, the orderly obedience in faith under the eternal law. The peace of men, ordered concord. The peace of the home, the ordered concord of authority and obedience among those who dwell therein. The peace of the state, an orderly concord of command and obedience among the citizens. The peace of the heavenly city, a most orderly and most harmonious fellowship in the enjoyment of God and with one another in God. The peace of all things is the tranquillity of order.[5]

It is in order, therefore, which he defines as "the disposition of the equal and the unequal, attributing to each its own place,"

[4] *Enarratio in psalmum 84*, X (in v. 9), *MPL*, XXXVII, 1075.

[5] *De civitate dei*, XIX:13. *MPL*, XLI, 640.

that Augustine finds the basis of genuine peace. Hence peace is sought by all men, for:

The families of men who do not live by faith seek an earthly peace in the things and advantages of this temporal life; whereas the families of those who live by faith look for those eternal blessings which are promised for the future, and as pilgrims they use such things of time and earth as do not hold them fast and divert them from their journey to God, but such as aid them so as not to increase but to bear more easily the burdens of this corruptible body which weighs down the soul. Thus there is a common use of the things necessary for this mortal life by both classes of men and by both kinds of households. But for each there is a peculiar and widely differing aim in using them. The earthly city, which does not live by faith, seeks an earthly peace. It establishes a concord among the citizens who rule and those who obey, so that there may be among them a certain agreement of will with regard to the things that pertain to this mortal life. The heavenly city, or rather that part of it which is in a pilgrim state in this mortal life and lives by faith, necessarily uses this peace also, until this mortal life, for which such a peace is necessary, shall pass away.[6]

For Augustine all genuine peace is a good. Thus he writes:

The things which this [earthly] city desires cannot rightly be called evil, since in its own kind it is better than any other human good. For it desires an earthly peace for the sake of earthly things. It wishes to attain this peace even when it wages war. For if it conquers, and no one remains to resist it, there will be a peace. Such peace the contending factions did not have when they struggled in misery and want for those things which both could not possess. They seek this peace by laborious wars; it is obtained by what is deemed a glorious victory. When those who defended the juster cause are victorious, who doubts that the victor should be congratulated and that a desirable peace has been obtained? These things are good and without doubt they are God's gifts.[7]

Augustine repeats that peace is a good and that it is the universal object of the human will. He writes:

Every man, no matter how he looks upon human affairs and our common nature, must acknowledge with me that, just as there is no one who does not wish to be happy, so there is no one who does not wish to have peace. Indeed even those who desire wars desire nothing less than to be victorious. Therefore, by making war they wish to achieve

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[6] *Ibid.*, XIX:17. *MPL*, XLI, 645. [7] *Ibid.*, XV:4. *MPL*, XLI, 440 f.

a glorious peace. For what else is victory except the subjugation of those who resist us? When this has been accomplished, there will be peace. Therefore, wars are waged with a view to peace, and this even by those who strive to exercise their warlike powers by issuing orders and by fighting. Hence it is apparent that peace is the end desired in war. Even in waging war, every man seeks peace; but no man seeks war by making peace. Even those who desire to disturb the peace in which they live do not hate peace but wish it changed according to their own will. Therefore, they do not will that there be no peace, but that the peace may be what they will. In truth, although certain men may have separated themselves from the rest of men by sedition, nevertheless, unless they maintain some sort of peace with their fellow conspirators and fellow plotters, they do not bring about what they desire. Therefore, even robbers, in order that they may more violently and more safely attack the peace of others, desire to have peace among their comrades. . . . Hence all men desire to have peace among the members of their own group, whom they desire to live according to their will. For even those against whom they wage war they wish to make their own, if possible, and to impose upon them, when they have been defeated, the laws of their own peace.[8]

Hence St. Augustine finds peace to be a divine blessing, an essentially necessary human good, and a universal object of human desire and action. Because this is the case, war itself, since it is by nature a violation of that ordered concord, or tranquillity of order, which is peace, must seek its justification in the relation that it bears to peace.

When St. Augustine comes to consider the morality of war, he makes a fundamental distinction between just and unjust wars. He cannot admit the assertion of extreme pacifism that war is by its very nature evil, and that therefore all wars are unjust. That some wars are justified he knows from divine authority, as manifested both in the Old and in the New Testament. Thus he answers Faustus:

Wherefore, if man at last in his hardness of heart and in the perversity and depravity of his will realizes that it is of importance whether anything be attained by human cupidity or fear or whether by obedience to the commands of God, who knows what, when, and whom He commands or permits, let him not wonder or be horrified by the wars made by Moses. For in these he followed divine commands

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[8] *Ibid.*, XIX:12. *MPL*, XLI, 637 f.

and he did this not in anger but in obedience . . . When the soldiers who came to John to be baptized, saying, *What shall we do?* John could have answered, *Cast aside your arms; desert this military service; strike no one; wound no one; throw down no one.* But because he knew that when they did this in military service, they were not murderers but ministers of the law, and not avengers of their own wrongs but defenders of public safety, he said to them, *Do violence to no man, neither calumniate any man, and be content with your pay. (Luke,* 3:14) But since the Manicheans are accustomed openly to blaspheme John, let them hear the Lord Jesus Christ Himself, ordering to be rendered to Caesar this pay which John declares to be sufficient for the soldier: *Render,* He says, *to Caesar the things which are Caesar's; and to God the things which are God's. (Matt., 22*:21) And taxes are levied for this purpose, that pay may be provided for the soldiers who are needed because of war. He justly praised the faith of the centurion who said, *I am a man constituted in command, having under me soldiers; and I say to this man, Go, and he goeth; and to another, Come, and he cometh; and to my servant, Do this, and he doeth it. (Matt.,* 8:9, 10) He did not impose desertion as a duty on that soldier. But it would be a long task to discuss just and unjust wars and it is not necessary to do so.[9]

Reason, too, tells St. Augustine that war can be just. In reference to the wars commanded by God to Moses, he writes:

Nor did God rage when He commanded those wars; but He gave a proper reward to those worthy of it and put fear into those that deserved fear. For what is blamed in war? Is it that men now die who must sometime die, but who die now that others may live in peaceful submission? To blame this is an act of cowards, not of religious people. A desire to inflict harm, a cruel thirst for vengeance, a fierce and implacable animosity, a rage for rebellion, a lust for domination, and the like—these are the things that are to be blamed in war. Often, that these things may be punished, wars are waged by the good against those who resist with violence. This is done either by God's will or at some lawful command, when, in the order of human things, conditions are found to be such that order constrains men either to give such a command or to obey it in justice.[10]

Making this fundamental distinction between just and unjust wars, Augustine puts down certain conditions for a just war.

[9] *Contra Faustum manichaeum,* XXII:74. *MPL,* XLII, 447 f.

[10] *Ibid.,* XXII: 74, *MPO,* XLII, 447.

First of all, to be just, a war must be by God's command or by the command of competent authority.

It is important to know from what causes and by whose authority men undertake to wage war. The natural order of mortal things, being ordained for peace, demands that the authority for making war and inflicting punishments rest with the ruler. In executing orders in war, soldiers should minister to peace and the common good. No one can rightly question that a war begun by God's authority is waged justly, either to frighten or to wear down or to subjugate human pride. Since it is not waged for human greed, it cannot be contrary to the incorruptible God or His saints. It is found to be of help to the saints in exercising patience, in humbling the soul, and in bearing paternal discipline. Nor has anyone power over the soldiers unless it is given to him from above. There is no power except from God, either when He commands or when He permits. *(Romans,* 13: 1) Therefore, a just man, even if he should fight under a sacrilegious king, can fight justly when such a ruler commands, if it be to preserve the public peace, and when what is commanded is either not contrary to God's precept or not certainly against it. Thus, although an evil command may perchance render the king guilty, yet due obedience shows that the soldier is innocent. How much more innocent, therefore, is the conduct of a war that is waged at God's command; for He can command nothing evil, as everyone who serves Him knows.[11]

Secondly, there must be a just cause. This requirement has already been indicated. God, it is true, cannot command a war except for a just cause, but with human rulers the case is evidently different. The just man, desiring peace above all else, would be delivered from all wars if he could. Yet because of the conditions of our mortal life, the just man is sometimes necessitated to fight. Hence Augustine concludes:

For the wrongdoing of the enemy compels the wise man to wage just wars; and indeed this wrongdoing, even though no necessity to engage in war arose from it, must still be a matter of grief to man, because it is a human thing. Whoever reflects with sorrow upon all these evils, so great, so horrible, and so savage, must acknowledge that this is wretchedness indeed. And if anyone either endures or thinks of them without grief of soul, he is the most wretched of all, for he thinks himself happy in that he has lost all human feelings.[12]

[11] *Ibid.*, XXII:75. *MPL*, XLII, 448.

[12] *De civitate dei*, XIX:7. *MPL*, XLI, 634.

And again Augustine writes:

> The just man should have no further concern upon this matter than this: Is the war which is to be undertaken a just one? Has he [its beginner] the right to make war—for everyone does not have this right? . . . Just wars are usually defined as those which avenge injuries, when the nation or city against which warlike action is to be directed has neglected to punish wrongs committed by its citizens or to restore what has been unjustly taken by it. And also, that kind of war is undoubtedly just which God Himself ordains, for with Him there is no wrongdoing and He knows what each man's duty is.[13]

Thirdly, war must be turned to only as a last resort and with a right intention. As has already been said, war is necessitated for the just man by the conditions of this life. He must "lament the necessity of just wars, if he remembers that he is man." War is to be waged only as a necessary, a last, an ineluctable means to peace. Hence Augustine writes to Count Boniface, governor of northern Africa:

> War should be waged only as a necessity, so that God may deliver men from that necessity and preserve them in peace. For peace is not sought in order to the kindling of war, but war is waged in order that peace may be obtained. Therefore, even in waging war be of a peaceful spirit, so that by conquering those whom you attack, you may lead them back to the advantages of peace; for our Lord says: *Blessed are the peacemakers; for they shall be called the children of God. (Matthew,* 5:9) If, however, peace among men be so sweet, because it brings temporal safety to mortal men, how much sweeter is that divine peace with God which brings to men the eternal safety of the angels! Let necessity, therefore, and not your will, slay the enemy who fights against you. As violence is expended on him who rebels and resists, so mercy is due to the vanquished or to the captive, especially in the case in which a disturbance of the peace is not to be feared.[14]

This right intention can only be the will to establish a just and lasting peace. It cannot be "a desire to inflict harm, a cruel thirst for vengeance, an unruly and implacable animosity, a rage for rebellion, a lust of domination, and the like." Nor does a desire for empire constitute a right intention: "But to make war on your neighbors, and thence to proceed to others, and through

[13] *Quaestiones in heptateuchum,* VI:10. *MPL,* XXXIV, 781.

[14] *Epistola ad Bonifatium.* Ep. CLXXXIX:6. *MPL,* XXXIII, 856.

mere lust of dominion to crush and subdue people who do you no harm, what else is this to be called than robbery on the grand scale?"[15]

Hence Augustine holds that peace is the supreme good and right of the state and of mankind. War is of itself neither just nor unjust. It becomes one or the other, to use a scholastic phrase, because of object, end, and circumstances. It can be waged justly only by competent authority, with a right intention, for a just cause, and as a last resort. Yet he always recognizes the horror of war and the vastness of the evils that accompany it. He writes of the Punic wars:

> . . . when victory hung so long in the balance between the two kingdoms, when two powerful nations were straining every nerve and using all their resources against one another. How many smaller kingdoms were crushed; how many great and noble cities were laid waste; how many states were overwhelmed and how many were ruined; how many realms and lands far and near were desolated! How often were the victors on either side vanquished! How many men, both those engaged in combat and those without arms, were destroyed! What huge navies, too, were overthrown in battle engagements, or were sunk by every kind of marine disaster! Were we to attempt to recount or mention these calamities, we should become writers of history. At that time Rome was mightily perturbed, and resorted to vain and ludicrous expedients. On the authority of the Sybilline books, the secular games were restored, which had been inaugurated a century before, but had faded into oblivion in happier times. The pontiffs also renewed the games consecrated to the gods of the underworld; for they, too, had sunk into disuse in the better times. Nor was it any wonder; for when they were renewed, the great abundance of dying men made all hell rejoice at its riches and give itself up to sport. For certainly the ferocious wars, and bloody quarrels, and fatal victories—now on one side and now on the other—though most calamitous to men, afforded great sport and a rich banquet to the devils.[16]

St. Augustine sees the pomp, the pride, and circumstance of glorious war, but he sees also that there is a higher glory than that of the conqueror. When writing to Darius, who had concluded a truce with the Vandals, he points this out:

[15] *De civitate dei*, VI:6. *MPL*, XLI, 116 f.

[16] *Ibid.*, III:18. *MPL*, XLI, 98 f.

Great indeed are those warriors, and possessing a singular glory, not only for their preeminent bravery, but also—and this is the truer praise—for their supreme loyalty, by whose labors and perils, under God's protection and aid, enemies hitherto unsubdued are conquered and tranquillity is secured for the nation and for the provinces now restored to peace. But it is a higher glory still to slay war itself with the word, than men with the sword, and to procure or maintain peace by peace, not by war.[17]

Augustine's doctrine of peace and war has had profound and lasting influence upon thinkers since his time. They have codified his doctrine, have interpreted and applied his principles, re-expressed them in new terms and in the face of new conditions. Additions to this doctrine have been made because of subsidiary problems that have arisen from century to century. But the essential doctrine is the work of St. Augustine and remains the same today as when he issued it in the fourth and fifth centuries of our era. Among the thinkers who have discussed the subject since his time, some briefly, others at greater length, are the following: St. Thomas Aquinas (1225-74);[18] St. Antoninus (1389-1459); Cardinal Cajetan (1469-1519); Soto (1484-1560); Covarruvias (1512-77); Bannez (1527-1604); Molina (1535-1600); St. Robert Bellarmine (1542-1621); Ayala (1548-84); Vasquez (1551-1604) and Cardinal de Lugo (1583-1660).[19]

[17] *Epistola ad comitem Darium. MPL*, XXXIII, 1020. We give Augustine's noble Latin statement: "Magni quidem sunt, et habent gloriam suam, non solum fortissimi, sed etiam, quod verioris genus est laudis, fidelissimi bellatores, quorum laboribus atque periculis, Dei protegentis atque opitulantis auxilio, hostis indomitus vincitur, et quies reipublicae pacatisque provinciis comparatur: sed majoris est gloriae, ipsa bella verbo occidere, quam homines ferro; et acquirere vel obtinere pacem pace, non bello.

[18] St. Thomas Aquinas discusses the morality of war in *Sum. theol.*, II-II, q. 40. Cf. also *De regimine principum*, I, 15. In *Sum. theol.*, II-II, q. 188, a. 3, he discusses a religious order designed for military service and in II-II, q. 66, a. 8, *ad* 1, he treats of the moral problems involved in the practice of taking spoils in war.

[19] For the traditional Augustinian and scholastic doctrine cf. A. Vanderpol, *La doctrine scolastique du droit de guerre*. Paris: A. Pedone, 1919. Yves de la Briére, *La conception du droit international chez les théologiens catholiques*. Paris: Carnegie Endowment for International Law Fund, 1930. F. Duval, *De la paix de Dieu à la paix de fer*. Paris: Paillard, 1923. John Eppstein, *The Catholic Tradition of the Law of Nations*. Washington, D. C.: Carnegie Endowment for International Peace, 1935. Herbert Wright, *Catholic Founders of Modern*

In addition to these authorities, there are two others whose discussions of this subject are outstanding and are recognized as classics of international law. These are Francisco de Vitoria (1480-1546) and Francisco Suarez (1548-1617). Vitoria, a Spanish Dominican, included in his *Relectiones theologicae* two treatises entitled *De Indis* and *De iure belli*. The work of Suarez, a Spanish Jesuit, on this subject is entitled *De bello* and is one of the disputations in his tractate *De charitate*. The work of Vitoria and Suarez is especially important because of the penetration and completeness with which they treated their subject and also because of the epochal times in which they lived.[20] Modern Catholic thinkers have also been concerned with the problem of war. This is particularly true of recent popes. Seeing that Europe's armed peace was not a genuine peace, both Leo XIII and Pius X were troubled by this fact. It remained for the World War and its aftermath to make this problem most dominant in the minds of succeeding popes, Benedict XV, Pius XI, and Pius XII.[21] Hence in the vast amount that thinkers of the general Augustinian tradition, many of them of the very highest authority, have written on war we have material for a complete statement of the moral issues involved.

International Law. Washington, D. C.: 1934. Reprinted from the Records of the American Catholic Historical Society. Philadelphia, Pa., June, 1934.

[20] Cf. Francisco de Vitoria, *De Indis et De Iure Belli Relectiones. Being Parts of Relectiones Theologicae XII.* Edited by Ernest Nys, with a revised text by Herbert F. Wright and a translation by John Pawley Bate. Washington, D. C.: Carnegie Endowment for International Peace, 1917. Francisco Suarez, *Opera omnia.* Vol. XII. Paris: L. Vivès, 1858. Herbert Wright and others, *Francisco Suárez. Address . . . Delivered at the Catholic University of America.* Washington, D. C., 1933. James Brown Scott, *The Spanish Origins of International Law.* Washington, D. C.: Georgetown University Press, 1929. Aemilius Naszályi, *Doctrina Francisci de Vitoria de statu.* Rome: Scuola Salesiana del Libro, 1937.

[21] Cf. Harry C. Koenig, editor, *Principles for Peace. Selections from Papal Documents. Leo XIII to Pius XII.* Washington, D. C.: National Catholic Welfare Conference, 1943. This notable volume gives translations, either in whole or in part, of 450 papal documents concerning war and peace and related problems. Donald A. MacLean, *The Permanent Peace Program of Pope Benedict XV*, Washington, D. C.: Catholic Association for International Peace, 1931. Yves de la Brière and P. M. Colbach, *La patrie et la paix.* Paris: Desclée de Brouwer, 1937.

A survey and an analysis of this traditional Augustian doctrine, as developed and expressed by men who wrote most authoritatively and extensively on it, lead to certain definite conclusions. In character this doctrine is realistic and rational: it is essentially a pronouncement of human reason upon realities that are only too frequent and familiar. It is natural, in that it is based upon the nature of man and of civil society and upon a doctrine of natural law as opposed to a system of mere juridical positivism. It is complex, in so far as it involves consideration of countless thorny subsidiary problems. It is simple, in so far as it may be resolved into a series of fundamental propositions. These propositions may be listed as follows:

(1) Peace, which is a positive condition, not a mere negation, is the natural, normal, and necessary good of civil society.

(2) War derives its moral and social validity in so far as it is an instrument designed to maintain or recover peace.

(3) Since peace is the end and war only a means, it is correct to emphasize the right to peace rather than the right to war. This right to peace is coactive. Purely defensive war does not present an ethical problem.

(4) Aggressive war can be justified in so far as it is an act of vindicative justice.

(5) Objectively speaking, war is always wrong. That is, it cannot be both formally and materially just on the part of both belligerents.

(6) Both just defensive and just aggressive wars are acts of necessity, a last resort against an actual evil.

(7) In every just war there must be a just, proportionate, and known cause; lawful authority; proper intention; and a right use of means.

(8) There is an essential moral distinction between combatants and noncombatants. Hence, noncombatants cannot rightly be made the object of direct attack.[22]

Does this traditional Augustinian doctrine have relevance and offer service in the face of contemporary realities? To the present writer it seems that it is only with the coming of what we now know as total warfare, that the full meaning, validity, and

[22] John K. Ryan, *Modern War and Basic Ethics.* Milwaukee: The Bruce Publishing Co., 2nd ed., 1940, p. 40.

cogency of the Augustinian ethic become clear. We know what war means in our time. It means the nation, or better, the nations, in arms. All the best energies of the civilized world, all its human resources of intellect and will and body, and all its material wealth are directed towards, or at least subjected to, the supreme end of victory in battle. If any nation has a will to wage modern war with success, it is imperative not only to prepare for war, but to prepare for a particular war.[23] It prepares not only its forces and its weapons, but it prepares in other ways as well: by propaganda at home and abroad, by espionage, by Trojan horses, and by fifth columns. It strikes suddenly and savagely and without warning. Its object of attack is the general enemy population together with the military opposition. It aims to force a quick decision, such as is absolutely necessary if it is to avoid a military stalemate with an attendant stultification of strategy. It must strive after this speedy victory, for this alone can prevent the slow exhaustion, both economic and moral, that is inevitable for victors and vanquished alike in a war of attrition.

Yet to accept the validity of the traditional doctrine and to recognize the form that war has assumed in modern times is not the whole task. It is necessary to make application of the traditional principles to the contemporary fact. War is the greatest of modern problems and it is primarily a moral problem. The moral issues raised by the conflicts that have ruined our world stand out so clearly as to be a constant challenge to the student and teacher of ethics. In terms of the traditional doctrine, the two basic questions that must be answered are the following: (1) What is the just cause that is so great as to justify a resort to aggressive war with all its attendant evils? (2) What is the morality of the use of the typical and necessary weapons of modern war? It is this second question which puts itself most forcibly and explicitly before the minds of men. It required an answer before the first atomic bombs were dropped on Hiroshima and Nagasaki. The attacks on Dresden on Feb. 14-16, 1945, were even more deadly and devastating than were the attacks upon the two Japanese cities. Moreover, obliteration bombing, as carried on during the last years of the war, was essentially the same in its

[23] Cf. S. de Madariaga, *Disarmament.* New York: League of Nations Non-Partisan Association, 1929, p. 14.

results as was the use of the atomic bomb. However, the dramatic and revolutionary character of the new weapon has caused the question to be raised with even greater insistence. Typical of the way in which it is now proposed is the following passage from one of the most notable books to come out of the war.

Father Kleinsorge and the other German Jesuit priests, who, as foreigners, could be expected to take a relatively detached view, often discussed the ethics of using the bomb. One of them, Father Siemes, who was out at Nagatsuka at the time of the attack, wrote in a report to the Holy See at Rome: "Some of us consider the bomb in the same category as poison gas and were against its use on a civilian population. Others were of the opinion that in total war, as carried on in Japan, there was no difference between civilians and soldiers, and that the bomb itself was an effective force tending to end the bloodshed, warning Japan to surrender and thus to avoid total destruction. It seems logical that he who supports total war in principle cannot complain of a war against civilians. The crux of the matter is whether total war in its present form is justifiable, even when it serves a just purpose. Does it not have material and spiritual evil as its consequences which far exceed whatever good might result? When will our moralists give us a clear answer to this question?"[24]

A similar state of mind is expressed by a former American soldier:

And what has been the tenor of the replies to our questions? "Yes, perhaps the pacifists have something." Perhaps. "The question will have to be investigated."

And yet no discussion comes up. "Look at the list of the soldier saints." "A man who dies in the defense of justice gains a martyr's crown." "The last pope canonized ordered a crusade." But the soldier-saints, the martyrs, and that pope didn't live in an age of unleashed atoms. Is it right to ask the mass of humanity to stand the test of martyrdom, of a life of heroic sanctity?

Most of us are no eccentrics. We don't want to be divorced from the common experiences of our fellows. That perhaps is the great temptation. We are sheep, not the shepherds. We are the laity, not the ordained preachers and theologians. We sheep are hesitant about following a lone voice here and there. We would like our shepherds to call to us and say in pretty much one voice, "Here is the path, this is the way,"

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[24] John Hersey, *Hiroshima.* Reprinted from *The New Yorker*, The Issue of August 31, 1946, p. 54.

and not stand perplexed and unsure while the sky darkens and another storm gathers itself around us. Are we bleating in vain?[25]

The whole tendency of modern war has been to break down the traditional distinction between combatants and noncombatants, or, to use the more exact terms of the scholastic writers, between the guilty and the innocent. The concept of the nation in arms, when achieved or approximated in actual fact, means that very little of a modern country at war is without some part in the military effort. Factories and shipyards and the men and women who work in them are as necessary for victory as are the machines, planes, and ships they make and the soldiers and sailors who man them. The production of great stocks of food is even more essential in wartime than when the world is at peace. Scientific research is more necessary and urgent in the midst of total war than in normal times. The administrative officers of the government grow in power and numbers. The capital cities and other great centers are focal points, not only for physical effort but for national morale as well. The loss of a great city may be more dangerous to a nation's will to fight than to its physical ability to carry on the struggle.

As an effect and expression of this absorption of all a nation's energies and resources in war, we find that modern war has also spread in a spatial way. The great struggles that have marked the twentieth century are rightly called global as well as total. Battles are no longer fought for restricted places or within a limited space. In contrast to earlier wars, in which engagements bore such names as Cannae, Agincourt, Waterloo, and Gettysburg, the history of World War II shows such names as the battle of

[25] Jack English, "Will They Go Again?" *The Catholic Worker.* XIV, 1 (March, 1947). When asked on Aug. 7, 1945, by the N.C.W.C. news service for a statement on the atomic bomb, the writer spoke as follows: "The story of the atomic bomb should fill us with dismay. The question arises: Does the malice of Japan's military leaders justify so ruthless an attack upon the Japanese people? With such a weapon there can be no distinction between helpless noncombatants and military objectives. Here is obliteration bombing with a vengeance and upon the largest scale. If we put this force to the uses of war, we must reflect upon what is in store for America and the world. Some day we too must endure such assaults. We have in this weapon an added reason to see modern war in its true character and to end it forever." The above statement was printed widely by the Catholic and secular press throughout America.

the Atlantic, the battle of Poland, the battle of France, and the battle of Germany. A whole continent becomes known as *Festung Europa* and is bombarded as a huge fortress and fought over as a single vast field of battle.

Since this is the case, it is difficult for the military leader to distinguish in the course of a war between lawful and unlawful objects of attack.[26] If a city like Essen is engaged in the production of armaments, its great war plants are evidently a legitimate object of attack. It would be a saving of life and energy for both sides if the war could be brought to an end by the destruction of the machines that make the machines of war. Yet even if it is admitted that the war plants may be attacked, must the attackers direct their fire and bombs only against the actual factories and other military installations, such as power plants and transportation systems? May the warworkers be bombed and shot at only when at their work benches and assembly lines? What if the war plants are buried underground? In that case, must the homes of the workers still be respected as being of noncombatant and nonmilitary character?

Perhaps it may be argued that questions such as these and other ethical problems raised by modern methods of bombing are easily solved by an appeal to the principle of double effect. The bomber must intend only to strike at legitimate military targets. If noncombatants are killed, then that is an unfortunate result that is incidental to his true purpose. Unfortunately, the matter is not solved so easily. The descriptions of "pinpoint bombing" that were issued by correspondents during the course of the war proved to have little basis in actual fact. The character of obliteration bombing and the nature of the atomic bomb make it impossible in actual operations to respect a distinction between combatants and noncombatants. Finally, the principle itself tells us nothing as to what is a legitimate object of military attack and as to who, if any, are to be considered as noncombatants.

The realistic view of the problem seems to be that when a nation enters a modern war, there remain very few places within its borders that are not military objectives. There are, it is true,

[26] Distinction must be made as to the different phases and periods of a war. Thus in August, 1945, the war against Japan was so clearly in its closing days that on that score alone it was unwise and unjust for America to make use of the atomic bomb.

situations in which buildings and even towns are clearly given a nonmilitary character. Camps for refugees, asylums for children and the aged, and hospitals for the sick can be unmistakably marked and their innocent character guaranteed by neutral or impartial authorities. Ruthlessly to destroy such institutions and their helpless inmates is evident murder.

Early in the course of World War II, Pope Pius XII spoke of such things:

> We have been forced to witness a series of acts irreconcilable alike with the precepts of positive international law and those of the law of nature, as well as with the elementary sentiments of humanity; acts which show in what a vicious circle the juridical sense becomes involved when it is led simply by considerations of expediency. Among such crimes We must include . . . atrocities (by whichever side committed) and the unlawful use of destructive weapons against non-combatants and refugees, against old men and women and children; a disregard for the dignity, liberty and life of man, showing itself in actions which cry to heaven for vengeance: *The voice of thy brother's blood crieth to Me from the Earth.*[27]

Under this condemnation clearly fall such things as the Nazi machine-gunning of refugees on the roads of France and the deliberate bombing and burning of hospitals and asylums by the Russians in their invasion of Hungary and Germany.

Yet such establishments become almost an anomaly within the nation in arms. For when a modern nation goes to war, the normal condition is one in which all wealth and all energies are dedicated to the military task. Hence its cities and towns turn themselves into arsenals and storehouses and into training places and administrative centers. As such, they lay themselves open to attack. If an atom bomb is then dropped on Washington or Pittsburgh, it is illusory to discuss what were or should have been the direct and the indirect intentions of the bombardier. The realistic approach to the moral problem seems to be somewhat different. It would hold that the noncombatants have no right to be in a capital city or an industrial center in time of war. If they elect to remain there, it is at their own risk. It is at the cost

[27] Allocution, *In Questo Giorno di Santa* (Dec. 24, 1939). In Koenig, *op. cit.*, p. 634.

of depriving themselves of their character as noncombatants and with the loss of their moral immunity to attack.[28]

This does not mean that obliteration bombing and the use of such instruments of horror as the atomic bomb are of themselves morally justifiable. It means rather that we must face the really basic issue. Is modern war, the type of conflict that necessarily involves such abhorrent weapons and methods, justified? If we accept modern war as a morally licit instrument of national policy, then we must be prepared to accept all that it implies and involves. On the other hand, if we see modern war in its true and complete character, we will come to a somewhat different conclusion. This conclusion may be stated as follows.

When the head of a nation makes formal use of war as an instrument of national policy and deliberately turns to aggressive war, he must transform his people and his land into one vast machine with which to attack his victim. The opposing nation is thereby forced into a like procedure. Total attack implies total defense. Such defense to be successful demands total counter-attack. This is illustrated most vividly by the Nazi assault on Britain and Britain's counterblows on Germany. War in its absolute form, to use Clausewitz's phrase, seeks the total subjugation of the enemy. It seeks the destruction of his fighting machine, of his industrial plant, of his home front, of his food supply, and of his will to fight. The ruthlessness of the aggressor is met with equal ruthlessness by the defender.

The aggressor in modern war may thus be said to commit a twofold crime when he prepares for war and wages it in the modern manner. He makes his indiscriminate attack upon his opponent's armies and civil population. He turns his own nation into a military unit, thereby victimizing the innocent and non-combatants along with his soldiery. The aggressor is willing to expose his own civil population and its homes and goods to the same destruction that he orders his armies to deal or to endure.

If a single major power has the will to aggression and proceeds to arm to that end, all other nations are thereby compelled to take like measures for war. This armed peace is not a genuine peace,

[28] For an extended discussion of the problem of obliteration bombing, cf. John C. Ford, "The Morality of Obliteration Bombing," *Theological Studies*, V, 3 (Sept., 1944), 261-309; and L. L. McReavey, "The Morality of Obliteration Bombing; a Reply to Father Ford," *Ibid.*, VI, 1 (March, 1945), 140 ff.

as Pope Leo XIII pointed out half a century ago. Yet it is into this continuing condition of self-exhaustion and mutual destruction that modern secular states have brought themselves. From this condition escape is possible only by a repudiation of war as an instrument of national policy and by a repudiation of the idea and the fact of the absolute state.[29]

We seek in vain to find a cause justifying a government in an appeal to aggressive war. It is difficult to find a competent or sincere thinker who will assert that there is a cause so great and so good as to make aggression a nation's last resort and therefore morally licit. Significantly, the aggressors, no matter how wanton and how evident their aggression may be, will not admit that they are doing anything except in defense of their just rights. Thus the hypocrisies of official propaganda are themselves an admission that defensive war alone is morally justifiable under modern conditions. Again, aggression is sometimes cloaked over with the Hitlerian argument of the need for *lebensraum*. Theoretically, it is possible to have a situation where a nation is in need for territory to provide for an expanding population. Yet neither Germany nor Japan could show such need, nor does the present writer know of any other modern nation that could rightly advance the argument. Not even Italy was in that condition. Its conquests in Africa had never been completely developed nor had the Fascist government ever sought a peaceful and prosperous solution to any need, whether real or merely asserted, for further expansion.

If a condition should exist wherein one people starves while another battens upon unused territories, then there is need for the nations to redress a wrong. It is evident that it is unjust for a small group to monopolize a continent, as in the case of Australia, while millions of other human beings are huddled within a restricted territory. Yet the right of one nation to life must not mean a death sentence for other nations, as Pope Pius XII has stated.[30] Moreover, the whole testimony of twentieth-century history has shown that attempts of modern nations to expand by means of assault on other modern nations have brought

[29] Cf. John K. Ryan, "Unlimited War and Traditional Morality," *The Modern Schoolman*, XXII, 1 (Nov., 1944), 31.

[30] Allocution, *In Questo Giorno di Santa*. In Koenig, *op. cit.*, p. 637; cf. also the radio address, *Nell' Alba* (Dec. 24, 1941) pp. 757 ff.

nothing but disaster upon the aggressors as well as upon their victims. The entire continent of Europe, and most especially the present condition of Germany and of Russia, is witness to this. In other words, total war is not a rational and justifiable means to the asserted end. On the other hand, a general repudiation of war as an instrument of national policy would necessarily evoke a will to settle disputes and to redress wrongs by rational and peaceful means.[31]

Still less can aggressive war be justified on ideological grounds. There are in our world but two ways of thought and action that are in essential opposition to one another. These are communism and Christianity. Faith in force and the unscrupulous use of violence as a means to an end are of the essence of communism. Being advocates of an essentially vicious doctrine, communist leaders almost necessarily resort to aggression. Their determination to make use of total war as a means to world domination is a part of their malice and a proof of it. For the Christian to imitate the communist and to advocate a quasi-holy war of aggression against communism is to accept the communist's faith in force and to forsake his own faith in Almighty God and His providence. Moreover, there is no surer way to prevent the spread of Christianity and to inflict further damage upon it than by a resort to arms. The testimony of recent decades is all to the fact that the Catholic Church has been the greatest casualty in modern war. In all its nineteen centuries of existence the Church has never suffered as it has suffered in these latter years. Hence, we may be sure that another war will repeat these losses upon an

[31] Typical of the many appeals to reason made by Pope Pius XII was his plea made on the air to the leaders and peoples of Europe on Aug. 24, 1939. "It is by force of reason, and not by force of arms, that justice makes progress, and empires which are not founded on justice are not blessed by God. Statesmanship emancipated from morality betrays those very ones who would have it so. The danger is imminent, but there is yet time. Nothing is lost with peace; all may be lost with war. Let men return to mutual understanding! Let them begin negotiations anew, conferring with good-will and with respect for reciprocal rights. Then will they find that to sincere and conscientious negotiations an honorable solution is never precluded. They will feel a sense of greatness in the true sense of the word if, by silencing the voices of passion—be it collective or private—and by leaving to reason its rightful rule, they will have spared the blood of their fellow men and saved their countries from ruin." Cf. Koenig, *op. cit.*, p. 585.

even greater scale. War indeed may come, but no thinking Catholic wants it to come. Nor can anyone approve of it except it be a defensive war, forced upon us by a ruthless and implacable enemy. Following the lead of the Holy Father, it is for Catholics everywhere to work for solutions of our troubles that are based upon reason and good will rather than upon violence.[32]

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[32] This does not mean that a nation like our own does not have the right and the duty of looking to its own defense and of aiding other nations that are threatened. In the presence of the aggressive militarism and imperialism of the Soviets it would be folly for America to disarm completely. Perhaps we have already disarmed too much for our own safety and for that of other nations. Also, it is to be remembered both that extreme pacifism is an intellectual and moral error and that it can be used by subversive groups as a means of bringing about further internal weakness in countries that they desire to capture. Despite the fact that modern war presents the very greatest of moral problems both to the heads of governments and to the individual men and women who must bear the burden of the fight, it cannot be admitted that the solution offered by the extreme pacifists is the true one.

A WORLD AT WAR

Modern war, neither begins with the opening shot nor ends with the last. By its nature, it is a continuing process; it is the abnormal, the unusual, the extraordinary become the normal, the usual, and the ordinary. As such it stands in opposition to a rational ethic which holds that peace is the normal, natural, necessary, positive, and dynamic state of civil society and that war is justified only as a last resort in an effort to maintain or restore peace. It is evident that as a continuing and universal process, modern war has lost its claim to justification as a last resort. No longer can war be called *ultima ratio regum;* not alone because the kings have passed but because it has ceased to be ultimate and rational.

—John K. Ryan, in *Modern War and Basic Ethics* (Milwaukee: The Bruce Publishing Company, 1940), pp. 78 f.

CATHOLICS IN LABOR UNIONS

In the United States at the present day we accept it as a self-evident truth that workers have a right to form unions. Yet, in some of the European countries, such as France and Germany, until well along in the nineteenth century there were stringent laws limiting the workers' right to organize,[1] and of course, in more modern times, under totalitarian governments there has been no right on the part of workers to form genuinely free associations. For Catholics the right of workingmen to organize into what we know as trade-unions was clearly expressed on the basis of sound philosophy by Pope Leo XIII, in his memorable Encyclical *Rerum novarum:*

> Although private societies exist within the state and are, as it were, so many parts of it, still it is not within the authority of the State universally to forbid them to exist as such. For man is permitted by a right of nature to form private societies; the State, on the other hand, has been instituted to protect and not to destroy natural right, and if it should forbid its citizens to enter into associations, it would clearly do something contradictory to itself, because both the State itself and private associations are begotten of one and the same principle: namely, that men are by nature inclined to associate.[2]

The great need of this unqualified defence of the workers' basic rights and the benefits the papal pronouncement produced in the closing years of the nineteenth century were asserted forty years later by Pope Pius XI:

> These teachings were issued indeed most opportunely. For at that time in many nations those at the helm of State, plainly imbued with Liberalism, were showing little favor to workers' associations of this type; nay, they rather openly opposed them, and while going out of their way to recognize similar organizations of other classes and show favor to them, they were with criminal injustice, denying the natural right to form associations to those who needed them most to defend themselves from ill treatment at the hands of the powerful. There were even some Catholics who looked askance at the efforts of workers to form

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[1] Cf. Commons, John R., "Labor Movement," in *Encyclopaedia of the Social Sciences* (New York: Macmillan, 1937), VIII, 689.

[2] *Rerum novarum*, *ASS*, XXIII (1890-91), 641 f.; official translation in *Principles for Peace* Washington, D. C.: (N.C.W.C., 1943), p. 76.

associations of this type as if they smacked of a socialistic or revolutionary spirit. The rules, therefore, which Leo XIII issued in virtue of his authority deserve the greatest praise in that they have been able to break down this hostility and dispel these suspicions.[3]

Even in our land, at the time when Leo spoke, unionism was regarded with deep suspicion by many Americans. This was due in part to radical elements which had used organized labor to give expression to their political views, as was the case with the Knights of Labor.[4] Certain instances of violence, too, coming from organizations that could not justly be styled labor unions —like the "Molly Maguires"[5]—cast a shadow on genuine unionism.

The Catholic worker should remember with pride that the most brilliant Pope of the nineteenth century fearlessly took the workers' part at a time when an authoritative voice was most needed in defence of the labor union. A more recent manifestation of the Church's definite interest in the right of unionism is found in the "Declaration of Human Rights" recently issued by the National Catholic Welfare Conference. Under the first heading, "Rights of the Human Person," the seventeenth point reads: "The right to associate by industries and professions to obtain economic justice and the general welfare."[6]

However, the type of association with which Pope Leo was primarily concerned was that made up exclusively of Catholics and directed to the spiritual welfare of the members as well as to their economic and social benefit. These are the Pope's words:

> The opinion is, and it is confirmed by a good deal of evidence, that they [the existing secular labor unions] are largely under the control of secret leaders and that these same leaders apply principles which are in harmony with neither Christianity nor the welfare of States, and that, after having possession of all available work, they contrive that

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[3] *Quadragesimo anno*, *AAS*, XXIII (1931), 177 f.; official translation in *Principles for Peace*, p. 406.

[4] Cf. Beard, Mary R., "Knights of Labor," in *Encyclopaedia of the Social Sciences*, VIII, 583.

[5] Cf. Fisher, Waldo E., in *How Collective Bargaining Works* (New York: Twentieth Century Fund, 1942), p. 285.

[6] *A Declaration of Rights drafted by a Committee appointed by the N.C.W.C.*, I, n. 17 (Cf. *Catholic Mind*, 45, n. 1012 [April, 1947], 194).

those who refuse to join with them will be forced by want to pay the penalty. Under these circumstances, workers who are Christians must choose one of two things: either to join associations in which it is greatly to be feared that there is danger to religion, or to form their own associations and unite their forces in such a way that they may be able manfully to free themselves from such unjust and intolerable oppression. Can they who refuse to place man's highest good in imminent jeopardy hesitate to affirm that the second course is by all means to be followed? . . . . Workers' associations ought to be so constituted and so governed as to furnish the most suitable and most convenient means to attain the object proposed, which consists in this, that the individual members of the association secure, so far as it is possible, an increase in the goods of body, of soul and of property. . . . Therefore, having taken their principles from God, let those associations provide ample opportunity for religious instruction so that individual members may understand their duties to God, that they may well know what to believe, what to hope for and what to do for eternal salvation.[7]

Following the publication of *Rerum novarum*, associations of Catholic workers were formed in Europe. However, in Germany particularly there developed Christian Trade Unions, which before World War I reached a membership of over half a million, and subsequently to the War attained to a million and a half members.[8] But these associations were not confined to Catholics; all who accepted the general Christian principles of justice were admitted. This fact drew from Pope Pius X, in 1912, an encyclical letter to the bishops of Germany, laying down precautions concerning such associations. His Holiness stated: "The integrity of the faith and just obediences to the laws and precepts of the Church on the part of our people are, or can be, placed in great danger on account of societies of this kind."[9] But at the same time the Pope declared: "We do not deny that it is permissible for Catholics—in order that they may strive for a better condition for the worker, a more equitable manner of salary and labor, or for any other reason of just utility—to work for the common good together with non-Catholics, caution being used."[10]

[7] *Rerum novarum;* official translation in *Principles of Peace*, pp. 77 f.

[8] Commons, John R., *op. cit.*, in *Encyclopaedia of the Social Sciences*, VIII, 695.

[9] *Singulari quadam*, *AAS*, IV (1912), 659.

[10] *Ibid.*, p. 660.

Two years previously Pope Pius X had spoken severely regarding the French labor association known as the *Sillon*.[11] This had begun as a Catholic organization, but in the course of time had become impregnated with ideas utterly at variance with the teachings of the Church. The Pontiff urged all the Catholic members of this organization to organize themselves according to dioceses under their respective bishops, and to qualify themselves as *Catholic Sillonists*. The Holy Father also added that priests and seminarists should not join such organizations, since they are essentially lay.[12]

In his celebrated encyclical *Quadragesimo anno*, Pope Pius XI again considered the matter of the membership of Catholics in labor organizations together with non-Catholics. The Sovereign Pontiff stated that in certain places, on account of special economic institutions or other reasons, Catholics seem almost forced to join secular labor unions. Then he added:

> These unions, however, should always profess justice and equity and give Catholic members full freedom to care for their own conscience and obey the laws of the Church. It is clearly the office of bishops, when they know that these associations are on account of circumstances necessary and are not dangerous to religion, to approve of Catholic workers joining them, keeping before their eyes, however, the principles and precautions laid down by Our Predecessor, Pius X of holy memory.[13]

There has been considerable discussion as to the full significance of these directions of different Popes regarding the affiliation of Catholics in secular labor unions.[14] Although certain points can still be regarded as not fully decided, the following general principles would seem to be clearly established from the papal documents as representing the mind of the Holy See.

First, the ideal form of a labor union for Catholics would be that which is composed exclusively of members of the Catholic

[11] Letter to French Bishops, *Notre charge*, *AAS*, II (1910), 607 f.

[12] *Ibid.*, p. 631.

[13] *Quadragesimo anno*, *AAS*, XXIII (1931), 188; Official translation in *Principles for Peace*, p. 407.

[14] Cf. Furfey, P., "Intercredal Co-operation," *The American Ecclesiastical Review*, CXI, 3 (Sept., 1944), 161 ff.; Murray, J. C., S.J., "On the Problem of Co-operation", *The American Ecclesiastical Review*, CXII, 3 (March, 1945), 194 ff.

Church. We cannot separate the various interests of human life from one another in such wise that we can devote ourselves to one without influencing our attitude toward the others. Consequently, a labor union, though primarily concerned with the economic betterment of the members, will necessarily have some bearing on their ideas concerning morality and religion. When a union is composed of members of various denominations, and even of some who profess no religion, there is always danger that Catholic members will absorb some false ideas or practices forbidden by the law of God or of the Church. Hence, it is *per se* most desirable that Catholics form labor unions of their own, in which their faith will be best protected and their social and moral ideas be directed by the safe teaching of the infallible Church.

Second, in those circumstances in which distinctively Catholic unions would not be effective in protecting and promoting the economic welfare of the members—and such is surely the case in our country—it is fully permitted for Catholics to join secular unions. The words of Pope Pius XI indicate that this is not merely a toleration on the part of the Church, but even an approbation of membership of Catholics in such organizations. The reconciliation of this statement with the preceding is found in the principle of the double effect. In certain circumstances one may perform an action for the purpose of attaining a desirable effect, even though an undesirable effect also flows from the same action. In the case under consideration the undesirable effect is the risk of spiritual harm to Catholics, which is present, in greater or less measure, in unions which do not accept the guidance of the true Church. A good effect is undoubtedly the economic protection and stability that are best secured nowadays by strong organizations of workers, whatever their religious affiliation. Another benefit that is surely possible is the opportunity which Catholic members enjoying of proposing to their fellow-workers the sound principles of the social and industrial order so clearly and logically promulgated in the pronouncements of the Catholic Church.

It is very important that Catholics in our labor unions should understand the Church's attitude toward membership in secular organizations of this kind. And it is also important that they realize their obligation to possess a thorough knowledge of the Church's teaching on such vital matters as the right to private

property, the fallacy of socialism, the right to a living wage, the conditions required to justify a strike, lawful and unlawful means of conducting a strike, etc. For, when a person is placed in spiritual danger it is his duty to take proper measures to render the danger remote at least as far as he himself is concerned. The Catholic union man needs to be well instructed in his Church's doctrines relative to his station in life, not only to be protected against harm that might come to him in the form of false principles enunciated by his fellow members—which at first sight may be very plausible—but also to be prepared to defend the teachings of the Church in such wise that he may have considerable influence in the activities of the union.

Undoubtedly, one of the dangers in organized labor today is the attempt of Communists to indoctrinate and to dominate the unions. To what an extent they are succeeding is difficult to say, for their tactics are often deceptive and clandestine. Fr. William J. Smith, S.J., after eight years of full-time work in labor circles, passes this severe judgment on one of the two great labor organizations in the United States:

> Communist infiltration of the CIO, while pretty well concentrated in certain spots, is real, substantial and well-rooted. It is not so much a poison that affects the minds of the rank and file, but rather a power that has been gained by very clever strategical maneuvers in planting Party members or sympathetic stooges in key positions in various international and local unions. The vast majority of the rank and file are so little informed on the real nature of Communism and its tactics that they are perhaps the last ones to recognize the fact that their union is being dominated by Stalinists and that they are innocent purveyors of the Party line.[15]

Fr. Smith's opinion of the other great organization in American labor is more lenient. He believes that practically every benefit that has come to American workers in the past bears the mark, directly or indirectly, of AFL influence. Yet, he adds:

> Undemocratic, semi-dictator, fascistic-minded men, by rigged, or by no elections at all, have usurped the position of authority in some AFL unions, and they should be dethroned. Initiation fees, while justifiable in principle, are out of proportion to the benefits that some unions can

[15] Smith, W., S.J., *Spotlight on Labor Unions* (New York: Duell, Sloan and Pearce, 1946), p. 40.

or do offer. . . . It is a pretty persistent custom in the AFL to discriminate against the colored, either openly or covertly. . . . The rank and file have a right to know what happens to the dues and the assessments that they pay. It is very evident that this privilege is not always granted to them.[16]

Whether or not one regards this particular criticism as too rigorous, the fact is undeniable that there are evil conditions in some American trade-unions which could be eradicated or alleviated if all the Catholic members were interested in persuading their fellow-members of the truth and logic of Catholic social principles—at least as interested as are the Communists in guiding the union by the tenets of the Party. Catholics should regard it as a duty to take part in the election of officers and endeavor to have chosen as their leaders men who are both intellectually and morally capable of performing their duties. This does not mean that Catholic members must necessarily vote for their coreligionists. On the contrary, they should choose those whom they deem best suited for the posts of responsibility. It can, and sometimes does happen, that a non-Catholic will give better assurance of honest and just leadership and of following the principles taught by the Church than is given by a Catholic candidate for office.

In the same encyclical in which Pope Pius XI declared that approval can be granted to Catholic membership in secular unions, he also asserted:

Side by side with these unions there should always be associations zealously engaged in imbuing and forming their members in the teaching of religion and morality so that they in turn may be able to permeate the unions with that good spirit which should direct them in all their activity. As a result, the religious associations will bear good fruit even beyond the circle of their own membership.[17]

There is in this country an organization of Catholic workers, founded in 1937, which aims at fulfilling this directive of the Sovereign Pontiff. Begun in New York, it has spread to a considerable number of other cities in the United States and Canada. It is called "The Association of Catholic Trade Unionists"—or

[16] *Ibid.*, p. 33.

[17] *Quadragesimo anno*, *AAS*, XXIII (1931), 188; official translation in *Principles for Peace*, p. 407.

Actu, in abbreviated form. The members are formed into chapters, which meet at least once a month. Their objectives are to provide a knowledge of Catholic social teaching, to foster the practices of a devout Catholic life, to issue publications pertinent to labor problems, and to take part in the just activities of organized labor. Each chapter functions under a "mandate" from its bishop, thus fulfilling the condition required to make it an organ of Catholic Action.[18]

Yet it must be confessed that the directive of the Pope, to have Catholic organizations side by side with neutral labor unions, has not been fulfilled to a notable extent in our country. But Catholic unionists should at least be aware of the command of the Holy Father, so that when the opportunity is granted of affiliating with an organization of this nature, they may realize that it is something that is not merely commendable, but is even demanded by the Pope as a safeguard to Catholic workers and a means of upholding and propagating truth and justice throughout the labor world.

Is there an obligation on the Catholic worker of joining an accredited union of his particular scope of labor? The late Msgr. John A. Ryan answered this question in the affirmative, with a slight qualification:

> While it would be impossible to prove that every wage owner is in all circumstances morally obliged to become a union member, it could easily be shown that some degree of such an obligation rests upon the mass of unorganized workers. In the first place, they cannot obtain just conditions of employment without collective bargaining, which is rarely feasible without organization; in the second place, the unorganized employees in an industry or plant which already contains a union are enjoying benefits for which they have not paid; they are reaping where they have not sown.[19]

One of the tenets of the Association of Catholic Trade Unionists is that every member is bound to join a *bona fide* union. Explaining this, Fr. Oberle says:

> The "obligation" of workers to join a union is still a debated point among the exponents of Christian social teaching. But the arguments

[18] Cf. Oberle, J., C.SS.R., *The Association of Catholic Trade Unionists* (New York: The Paulist Press, 1941); McKenna, Norman C., "Actu," *Catholic Mind*, XLV, 1010 (Feb. 1947), 117.

[19] *Catholic Mind*, XLII, 975 (March, 1944), 157.

drawn from the papal encyclicals and from the writings of authorities on Christian social teaching are strong enough to justify this principle of the Actu. What kind of obligation it is, and what is its binding force may be hard to determine, but without doubt, justice or charity or both often make membership in a union a duty.[20]

On the other hand, Dr. George Clune states:

> Labour unions are so well supported and have so strengthened the workers that those who remain outside the ranks may be ignored, and their failure to join has not very notably decreased the bargaining power of labour. These facts point to a negative answer to the question; and even the statement of the Sacred Congregation of the Council that the Church in the circumstances (1929) considered the formation of industrial associations of employers and employees "morally necessary" does not assert that there is any positive obligation in conscience on the workers to form and join these unions.[21]

Personally, I am inclined to favor Dr. Clune's opinion, as far as a general obligation is concerned. We must be careful not to multiply obligations binding under sin; and I would certainly not tell every worker who happens not to be affiliated with any union: "You are committing sin if you do not join a union." Nevertheless, I believe that there are times when, because of certain special circumstances—for example, when a small union is in need of every member it can obtain in order to secure protection from evident injustice—there would be an obligation of charity on individual workers to affiliate themselves with the organization.

A Catholic unionist should not regard the organization as committed by its very nature to a policy of hostility toward the employers. It is true, the history of organized labor has been largely a series of battles with capitalistic interests. Nevertheless, from the Catholic standpoint, a labor union should have other objectives, such as the promotion of harmony between employers and employees, and even the safeguarding of the employer's interests by assuring him honest and capable workmanship and protection of his property against any subversive influences that would be inclined to sabotage in the event of economic conflict. The Catholic worker should be trained to take this broader view

[20] Oberle, J., *op. cit.*, p. 18.

[21] Clune, G., *Christian Social Reorganization* (Dublin: Brown and Nolan, 1940), p. 356.

on the objective of unions, even though most of his fellow-workers regard their organization as exclusively militant in character.

As in civil life, so in unionism of the present day, the game of politics is sometimes played unscrupulously by candidates for office. Yet, in both arenas there are honest men, and Catholics elected to office in a union should realize that the principles of their religion bind them to honesty and justice as they do those men who hold office in civil life. It cannot be denied that many have the impression that every labor official is a racketeer. In the words of Fr. Smith:

> The honest labor leader of today is much on the defensive. He moves in an atmosphere of misunderstanding, and, to some degree, one of outright malevolence. He has two strikes on him before he comes to bat. His reputation is on sale to the nearest critic. The sincere, right-minded, dependable man (and we sincerely believe there are thousands of them) shares a stigma with the miscreant fellow-official.[22]

Despite so unfavorable an attitude on the part of a great number of Americans toward the union official, the Catholic to whom his fellow-workers have entrusted some post of responsibility will unquestionably win their respect and esteem if he conforms his official conduct to the norms of his Catholic faith.

To many an upright Catholic man the set-up of organized labor at the present day may seem sordid and materialistic; and undoubtedly, many features can be found in it which are sadly opposed to Catholic ideals. Yet the words of the great German Bishop Von Ketteler, spoken in 1864, should be a source of encouragement:

> It would be a great folly on our part if we kept aloof from this movement merely because it happens at the present time to be promoted chiefly by men who are hostile to Christianity.
>
> The air we breathe remains God's air though breathed by an atheist, and the bread we eat is no less the nourishment provided for us by God, though kneaded by an unbeliever. It is the same with unionism—it is an idea which rests upon the divine order of things and is essentially Christian, though those who favor it most do not see the finger of God in it and often turn it to wicked use.[23]

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[22] Smith, W., *op. cit.*, p. 27.

[23] Quoted from Oberle, J., *op. cit.*, p. 20.

MASS WITHOUT A SERVER

This question has appeared in *The American Ecclesiastical Review* a number of times, and has usually been answered in favor of the lenient view, depending on the legislation in force at the time. Fr. Walter Curtis, however, writing under this same title in the November, 1946, issue of this *Review*,[1] presented the stricter view of the question.

Further research indicates that there may be something still to be said for the more lenient view, which is to the effect that a priest may, *ex devotionis causa tantum*, celebrate Mass without a server, *seclusa negligentia*.

The first discussion of the question occurred in a Conference in the November, 1892, issue of *The American Ecclesiastical Review*. It took the form of an unsigned response to the question, "Is it permissible for a priest to celebrate Mass, not only without a server, but even without any person present during the Holy Sacrifice?"[2]

The response first cites the law existing at the time, and then gives the cases of urgent necessity excusing from the law. The response continues:

> However, not only necessity, such as the above-mentioned, but *likewise a special privilege* would exempt a priest, who celebrates Mass without a server, from sin.
>
> The "faculties" usually granted to missionary priests in the United States contain such a privilege "celebrandi—sine minstro—si aliter celebrari non potest." (Facult. ordin. i, 23)
>
> The question of how to interpret the clause *si aliter celebrari non potest,* limiting of the above-mentioned privilege which usually is given to missionaries in non-Catholic countries, has been repeatedly discussed. P. Schober, whose connection with the S. Congregation of Rites entitles his opinion to special regard, says in his edition of the "Liber de caeremoniis Missae" (Cap. ii, § 13, note 20): "The faculty of celebrating Mass without a server, which is granted to missionary priests among infidels or heretics, *always supposes a grave necessity.*"

But we have an answer of the Cardinal Prefect of the Propaganda to

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[1] Walter W. Curtis, "Mass Without a Server," *The American Ecclesiastical Review*, CXV, 5 (Nov. 1946), pp. 364-75.

[2] *Ibid.*, VII, 5 (Nov. 1892), pp. 381-82.

the late Bishop Baltes, who in a pastoral instruction dated October, 1877, speaks of the meaning which some have attached to the faculty of celebrating Mass "sine ministro" as though it applied only to Sundays and holydays, as erroneous. "To remove all doubt," he says, "we consulted authorities at Rome on this point. The present Cardinal Prefect of the Propaganda answered that this faculty might be used any day, *if otherwise the priest would have to omit the celebration of Mass.*" (Past. Instr. ii, n. 69)

There is no doubt that the same reasons which allow a priest to dispense with a server, also permit the celebration of Mass without any other person present in the church; for the purpose of the Holy Sacrifice offered in behalf of the entire Church is fulfilled by the intention with which the celebrant answers the prayers otherwise placed in the mouth of the server; just as he does when he recites the Office, privately saying "Venite adoremus" and making at the same time the response.

It is evident, however, from the whole tenor of legislation on this subject, that to dispense with a server, from mere reasons of convenience, is, as the Bishop of Alton puts it, an abuse which should not be tolerated by any priest in his own church, "unless it happen seldom and from causes which cannot be avoided." (Past. Instr., l.c.)

These faculties, with the interpretation of them, have been abrogated by the new Code, of course. It is, however, reasonable to retain this citation as evidence of the willingness of the lawmakers to be lenient. The Cardinal Prefect of the Propaganda knew the gravity of the law, and knew the commonly alleged excusing causes, yet went on to give a generous interpretation. *Favorosa amplianda sunt.*

The next treatment of the question was in November, 1894.[3] It occurred in answer to a question, "Is it ever allowable, and under what circumstances, to say Mass without a server or anyone else assisting? I refer to priests in the United States who, having the ordinary faculties of the missionary clergy, desire to celebrate Mass *ex devotione.*"

The reply referred back to the Conference noted above. We remark that the phrase *Missa ex devotione* is employed, and the favorable decision is viewed as including even cases in such circumstances.

The third occurrence of the question was in the October, 1898,

[3] *Ibid.*, XI, 5 (Nov. 1894), p. 386.

issue.[4] It added nothing new, since it was a simple question about saying Mass without a server, in virtue of the usual diocesan faculties. A reference to the issue of November, 1892, served to answer it.

The question was brought up for a fourth time in the issue of December, 1900.[5] The questioner asked for an interpretation of the *si aliter celebrari non possit* clause in the faculty of celebrating without a server. The answer is a commentary on the note Schober appends to that point in his *Liber de caeremoniis missae:*

> The question of how we are to interpret the clause, "si aliter celebrari non possit," has been answered by Father Schober, the Roman liturgist and Consultor of the S. Congregation of Rites. In his edition of the *Liber de Caeremoniis Missae* (Cap. ii, § 13, not. 20) he says: "The faculty of celebrating Mass without a server, a faculty granted to missionary priests, *always* supposes a *grave* necessity."
>
> Now, if this grave necessity, such as supplying Viaticum, or saying Mass on a holyday of obligation, or personally fulfilling the Sunday precept (Cf. Lehmkuhl, Vol. II, 244), or the risk *of having otherwise* to omit altogether the celebration, is required before the privilege of dispensing with a server may be used, it is plain that a priest will have to go to some trouble to secure a server, and under ordinary circumstances to wait for one, if he has failed to provide the same in advance.

It is plain, from this answer, that while the interpretation was lenient, there was certainly no laxity about it.

The question was raised again in February, 1915.[6] Everything in it had been gone over previously.

The sixth appearance of the question was in March, 1916.[7] In response to a query on the existence of any decree of the S. Congregation of Rites relating to the celebration of Mass in this country without a server, the author said he knew of no such decree, and then went on to note that any priest could say Mass without a server if one of the three customary grave excuses obtained, and that a missionary priest could use the faculty of celebrating without a server "si aliter celebrari non potest." To this was added the explanation we have already noted of this

[4] *Ibid.*, XIX, 4 (Oct. 1898), p. 191.

[5] *Ibid.*, XXIII, 6 (Dec. 1900), p. 640.

[6] *Ibid.*, LII, 2 (Feb. 1915), p. 218.

[7] *Ibid.*, LIV, 3 (March, 1916), p. 346.

particular phrase as found in *The American Ecclesiastical Review* for November, 1892.

The question was asked again in September, 1916.[8] Nothing new was brought out.

The American Ecclesiastical Review for July, 1919, presented the status of the question in the light of the new Code. In their entirety:

> *Qu.* For many years the Ordinary, in virtue of faculties imparted by the Holy See, has given some of his priests permission to say Mass privately without a server (sine ministro). May this privilege be still used, though the Ordinary, since the publication of the new Code, has received no renewal of the faculty above mentioned?
>
> *Resp.* The right of bishops to permit priests to celebrate Mass without a server ceases under the new legislation, which recalls all power to grant the faculties that included this and similar privileges. But there remains the dispensation of necessity, as when a priest would have to abstain from celebrating Mass altogether unless he were dispensed from having a server. The purpose of the rubrics and kindred ordinances regarding the Holy Sacrifice is to safeguard the decorum and reverence befitting the solemn rite, but not to prevent its being offered even as a private act for the consolation of the priest who desires to give honor to God thereby. Such is the interpretation of theologians generally; and its holds good under the new legislation as under the old.[9]

It is the ninth appearance of the discussion, in September, 1919,[10] that has furnished Fr. Curtis with much of his material for treatment. This article, as internal evidence shows, is by the same author as the one in the July issue (noted above) and was intended as an elucidation and further defense of the stand taken at that time. For the moment, to preserve our continuity, we will cite only the conclusion of this article, to return to it presently in considering Fr. Curtis' series of arguments against it:

> Interpreting the law requiring a server at Mass, one cannot easily err, if setting aside all merely verbal and rigoristic constructions of what theologians have said, one adheres to the fundamental principles on which these theologians agree, unless, the organs of liturgical or ecclesiastical authority decide otherwise in definite instances. In the

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[8] *Ibid.*, LV, 3 (Sept. 1916), p. 314.

[9] *Ibid.*, LXI, 1 (July, 1919), p. 100.

[10] *Ibid.*, LXI, 3 (Sept. 1919), pp. 318-23.

present case they agree that the absence of a server is justified by urgent necessity. That necessity exists when a priest would otherwise be obliged to omit Mass, offered even as an act of private devotion, as has been shown from the interpretation of the old faculties.[11]

The issue of March, 1923, contained the next query on this subject, which had to do with the liceity of celebrating in a public church without a server. In the response it is pointed out that:

A public church, in the sense not of mere locality but implying that the faithful may presently enter and assist at the Holy Sacrifice, demands the presence of a server at Mass in token of observance of the ceremonial which safeguards due reverence.

If it should happen, however, that in a church open to everyone, at the time of Mass none but women were actually present, we have no hesitation in saying that a priest may celebrate Mass without a server rather than abstain altogether where he has no special faculty dispensing him from the obligation of a server. The reason is that women are forbidden to serve in person in the sanctuary; they may answer the responses; but if they do not know them, the same reason that dispenses the celebrant from correcting an unresponsive male server naturally applies here also. It is a case of relative necessity, though a priest is not of course under any urgency to celebrate in the circumstances, as would be the case on a holyday of obligation when he should give the faithful the opportunity to assist at Mass.

"In a public church" means here, therefore, in all reason, not so much the edifice devoted to public worship, as the church when it is open to attendants at Mass. A priest obliged to go on a journey or errand of charity who feels the desire to say his daily Mass at an hour when no one can be present to serve, because of an anniversary or special devotion, would in the spirit of the law be justified in celebrating alone; for he gives no scandal to anyone, but rather does what the Church desires her ministers to do under normal circumstances.[12]

Fr. Michael Forrest, M.S.C., was the author of a short article in the April, 1928, issue of *The American Ecclesiastical Review*.[13] Fr. Forrest stated some conclusions at the close of his discussion, of which the seventh was: "To say Mass without a server 'ex mera devotione' on an ordinary weekday is a grave violation of ecclesiastical law. By 'ordinary weekday' I mean any day on which

[11] *Loc. cit.*, p. 320.

[12] *Ibid.*, LXVIII, 3 (March, 1923), pp. 294-95.

[13] *Ibid.*, LXXVIII, 4 (April, 1928), pp. 403-407.

there is no obligation of saying or hearing Mass." In support of this conclusion, Fr. Forrest offered no testimony of authors and no reasoning. It might be possible that Fr. Forrest was merely stating in concrete form some propositions on which he was inviting debate.

That might well be, for immediately following this article was an unsigned reply to Fr. Forrest's conclusions. The author noted many of the previous articles in *The American Ecclesiastical Review* which favored the lenient view, and then went on to give some general history of the practice of celebrating Mass without a server. The writer then cites the law and interprets it, assigning reasons for his conclusions. These are six in number, of which the fourth and fifth interest us here:

> 4. In the case of whatsoever transient necessity, on holidays or weekdays, Mass may be said without any server, even for the devotion of the celebrant.
>
> 5. In the case of whatsoever continual necessity and of impossibility of finding a server, a dispensation should be obtained.[14]

This fourth conclusion is the one that Bonzelet adopts for his *Pastoral Companion*.[15] In accepting this conclusion, Bonzelet naturally adopts the reasons behind it, as well as the conclusion itself.

Fr. Curtis refers to this article as well in the course of his work, on p. 372 of the November, 1946, issue of *The American Ecclesiastical Review*. We shall treat presently of his arguments against it.

On the occasion of the twelfth appearance of this question in these pages, in September, 1934,[16] Fr. Valentine Schaaf, O.F.M., of happy memory, gave some responses to a question. His view was that: "it does not seem justifiable to say Mass without any server at all, even when a few are present. For the Church fully realizes, better by far than any of us, the value of every Mass. Yet she forbids her priests to say Mass in such circumstances."[17]

After offering some possible solutions to the difficulty of finding a server, he continues:

[14] *Ibid.*, pp. 407-13. The citation is from p. 412.

[15] Bonzelet, *Pastoral Companion* (Chicago: Franciscan Herald Press, 1939), p. 13.

[16] *AER*, XCI, 3 (Sept. 1934), pp. 298-301.

[17] *Loc. cit.*, p. 299.

If none of these solutions is possible, it does not seem that a priest is justified in saying Mass in the presence of a larger or smaller number of the faithful, *devotionis causa*. It would be different if some scandal or the like were to be feared, for example, if by omitting Mass the priest would expose himself to false suspicion or to the wagging of malicious tongues.[18]

Fr. Curtis' revival of the subject marks its thirteenth appearance in the pages of *The American Ecclesiastical Review*. More space has been given this question in this Review than in any other periodical of like nature, and over a period of forty years (1892-1934), until Fr. Schaaf gave a contrary opinion, the writers in *The American Ecclesiastical Review* supported the more lenient view.

In this article the lenient view will once again be defended. Let us remark, before we present our statement, that we hold no brief for the defense of the priest who, because of his own laxity, neglect, or lack of moral diligence habitually finds himself without a server. Canon 813, §1 is a law of serious obligation and cannot lightly be set aside.

Fr. Curtis deals in his article with two typical cases. With the solution to Case I we find ourselves in sufficient agreement. It is with his solution to Case II that we venture to take issue.

Fr. Curtis reaches his conclusion because (I) there is no sufficient extrinsic authority for the opposite view; (II) the reasons offered do not establish intrinsic probability; and (III) there is good authority against it.

To these we respond (I) that there is sufficient extrinsic authority for our view; (II) reasons can be presented that will establish its intrinsic probability; and (III) the authorities quoted against our view are not sufficient to overthrow it.

Ad (I). In support of our view we may cite these authors:

Cappello states: "Si desit omnino minister, sacerdos ex qualibet justa et rationabili causa, etiam devotionis tantum, potest Missam sine ministro celebrare, potius quam eam omittere."[19]

Fr. Curtis dismisses any weight Cappello might have in the discussion because Cappello cites no reason for his opinion. This non-statement of reasons for opinions is common enough among

[18] *Loc. cit.*, p. 300.

[19] Cappello, *De sacramentis* (Rome: Marietti, 1938), I, p. 754.

theologians, and we do not think it militates against citing the author in support of an opinion. In point of fact, Fr. McCarthy, writing in the *Irish Ecclesiastical Record*, accepts the weight of both Cappello and Prümmer on the lenient side of the discussion. Fr. McCarthy does not follow them because "there is no evidence to show that the writers had in mind a solitary Mass."[20] In reply we may readily state that there is no evidence to show that they did *not* have the solitary Mass in mind, and therefore we retain both Cappello and Prümmer as support for the lenient view.

Prümmer states: ". . . ab hac lege excusant . . . b) casus necessitatis, *e. gr.*, etiam probabiliter, si secus sacerdos omnino non posset dicere Missam eodem die."[21]

Jorio states: "Difficultas in quibusdam locis obtinendi ministrum, et ex alia parte praxis hodie communis quotidie celebrandi ad augendum fervorem et ad damna spiritualia praecavenda tum pro fidelibus tum pro ipso sacerdote, posset forte constituere grave incommodum, si secus esset a celebratione abstinendum."[22] This note was appended to the statement in the text that the precept of providing a server did not bind *cum gravi incommodo.*

Wouters states: "Quin etiam, quum hodiedum facile concedatur celebratio sine ministro, si quis inveniri non potest, idque etiam in hebdomade et sine muliere a longe respondente, ideo, si ex improviso sacerdos in casu particulari careat ministro, licentia etiam ob solam devotionem praesumi posse videatur."[23]

Regatillo states: "Non apparet quare ex quavis justa causa, etiam merae devotionis, non possit celebrari sine ministro, si desit."[24]

Dr. Joseph Donovan, C.M., states in the *Homiletic and Pastoral Review* for April, 1945, in response to a question:

[20] *Irish Ecclesiastical Record*, LVIII (1941), p. 463.

[21] Prümmer, *Manuale theologiae moralis* (Freiburg im Breisgau: Herder, 1936), III, n. 304, p. 217.

[22] Jorio, *Theologia moralis* (6th ed. Naples: D'Auria, 1939), III, p. 207, 1 n. This identical citation occurs in Tummulo, *Compendium theologiae moralis* (5th ed. Naples: D'Auria, 1935), II, p. 270, 1 n. In this edition Jorio received the familiar "quam recognovit, etc." Evidently for the sixth edition of the same work, Jorio instead of Tummulo was recognized as the author.

[23] Wouters, *Manuale theologiae moralis* (Bruges: Beyaert, 1933), II, n. 269, p. 196.

[24] Regatillo, *Jus sacramentarium* (Santander: Sal Terrae, 1945), p. 537.

In this connection it must be noted that saying Mass without a server as a regular thing, and doing so by way of exception, are entirely different things. It is true that the precept of having a server, or at least someone among the congregation who can answer the prayers, is grave in itself; but it is not so grave that in an individual case and extraordinarily the priest would be obliged to forego the privilege of saying Mass if there were no server present.

It would appear reasonable that a priest who had just returned from a journey, or whose time of Mass has been accidentally delayed, may on this occasion say Mass without a server. The whole force of the Church's practice favors this opinion—especially her indults in mission countries and indults granted to bishops in this country where a condition similar to that under consideration extends over a long period of time.

I would say then, that, after using due care and diligence to have a server under general conditions, or at least someone to answer the prayers, our correspondent may say Mass without worry when the unexpected happens—and in a moral sense the unprovided and unprovidable.[25]

Dr. Donovan has more recently reiterated his opinion:

To say a Mass of devotion is sufficient reason to excuse from the obligation where ordinary care and diligence of a relative kind have been used. To pay no attention to the prescription where there is no indult to the contrary is plain laxity, and condemning the obligation that surely admits of parvity of matter is of itself grave, no less than is the general practice of saying Mass without a server with no sufficient cause to excuse.[26]

Bonzelet states: "In case of transient necessity, if it is impossible to have a server, Mass may be said without any server, even to satisfy the devotion of the celebrant. In case of continued necessity, a dispensation should be obtained. *Eccl. Review*, April, 1928, p. 412."[27]

Fr. Curtis did not admit Bonzelet's authority because no reasons are cited. We aver that Bonzelet, in accepting the conclusion in the article, as noted, accepted also the arguments upon which the conclusion rested. Since Fr. Curtis did not answer these same arguments completely, as we hope to show, the article in

[25] *Homiletic and Pastoral Review*, XLV (April, 1945), p. 537.

[26] *Ibid.*, XLVI (Sept. 1946), p. 964.

[27] Bonzelet, *Pastoral Companion*, p. 13.

The American Ecclesiastical Review and Bonzelet retain their weight for our side of the discussion.

These seven authors definitely commit themselves and are clearly on the side of the lenient view in this discussion. A number of others, whom we will merely name, Creeden,[28] Augustine,[29] Vermeersch-Creusen,[30] Marc-Gestermann-Raus,[31] and Davis,[32] remark something about the discussion but are not definite in either approving or reprobating one side or the other.

In the case of Woywod, we must note that soon after the new Code appeared, his opinion in the matter under discussion was most lenient. Writing in the *Homiletic and Pastoral Review* for February, 1921, he stated:

> It seems to us, *salva meliore judicio,* that it is not the intention of the Church to rule by Canon 813 that the priest must abstain from saying Holy Mass when he cannot have a server, but that he is obliged to have a server when saying Mass if it is possible to get one . . . If even that arrangement cannot be made (of having a woman answer), there seems to be an excuse from the law requiring a server at Mass.[33]

By 1932 Fr. Woywod had changed his view, and we find him in the June, 1932, issue of the *Homiletic and Pastoral Review* stating:

> In the light of the old Canon Law and its interpreters, and the Law of the Code which merely repeats the former law, the severe view is the only one tenable, for there is not sufficient authority for the opinion that a priest is not bound to omit daily Mass when it is practically impossible to get a server.[34]

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[28] In *Addenda* to Sabetti-Barrett, *Compendium theologiae moralis* (34th ed. New York: Pustet, 1939), n. 107, p. 1135.

[29] Augustine, *A Commentary on Canon Law* (St. Louis: Herder, 1920), IV, p. 151.

[30] Vermeersch-Creusen, *Epitome juris canonici* (5th ed. Rome: Dessain, 1934), II, n. 82.

[31] Marc-Gestermann-Raus, *Institutiones morales Alphonsianae* (6th ed. Lyons: Vitte, 1934), II, 1636, as cited by Fr. Curtis.

[32] Davis, *Moral and Pastoral Theology* (London: Sheed and Ward, 1945), III, 116.

[33] Woywod, "Regulations of the New Code Relating to the Celebration of Holy Mass," *Homiletic and Pastoral Review*, XXI (Feb. 1921), p. 414.

[34] *Homiletic and Pastoral Review*, XXXII (June, 1932), p. 970. Cf. Woywod, *A Practical Commentary on the Code of Canon Law* (New York: Wagner, 1943), pp. 384-85.

In the *Homiletic and Pastoral Review* for November, 1935, he reiterates this view in response to a question on the point.[35]

Of all the authors consulted[36] these are the only ones who have a definite opinion on the particular point at issue.

We have now quoted seven authors who are definitely committed to the lenient interpretation of the law of Canon 813, §1, five who do not certainly approve the lenient view, but who do not certainly reprobate it, and one who has changed his view.

This massing of seven reputable authors is undeniably sufficient *consensus opinionis* to allow us to attribute extrinsic probability to our view, since Noldin[37] requires only five or six theologians notable for their probity, knowledge, and prudence to admit an opinion as truly and certainly probable.

Ad (II). Against Fr. Curtis we assert that reasons can be presented that will establish intrinsic probability for our view. We will first consider the ten arguments that Fr. Curtis proposes against the reasons he draws from the articles in the issues of *The American Ecclesiastical Review* for September, 1919, and April, 1928.[38] If we can show that Fr. Curtis' reasons do not urge against these arguments, the arguments will remain valid and can be considered as establishing the intrinsic probability of the lenient view in this discussion.

(1) Fr. Curtis first requires the support of theologians to show that the rubrics do not prohibit the celebration of Mass with no one present. We respond by adducing the evidence, already quoted, of Capello, Prümmer, Jorio, Wouters, Regatillo, Donovan, and Bonzelet to satisfy this requirement. We consider these authors sufficient support to allow the argument to stand.

[35] *Ibid.*, XXXVI (Nov. 1935), p. 83.

[36] Aichner (1900), Natalis Alexander (1783), Arregui (1937), Augustinis (1889), Ballerini (*Op. theo. mor.*, 1891), Ballerini-Palmieri (1900), Berardi (1904), Beste (1944), Blat (1920), Bouscaren (*Can. Law Dig.*, 1943), Bucceroni (1893), Colli-Lanzi (1928), D'Annibale (1908), Elbel (1894), Gasparri (*De euch.*, 1897), Gousset (1855), Gury (1874), Jone (1946), Kenrick (1861), Koch-Preuss (1919), La Croix (1865), Many (1903), Merkelbach (1939), Neyraguet (1841), Prümmer (*Man. jur. can.*, 1922), Scavini (1860), Sporer (1905), Tanquerey (*Theol. mor.*, 1907), Voit (1833).

[37] Noldin, *Summa theologiae moralis* (27th ed. Innsbruck-Leipzig: Rauch, 1940), I, pp. 236-37.

[38] Cf. *AER*, LXI, 3 (Sept. 1919), pp. 100 and 318-23; also *supra*, notes 9 and 10.

The very statement of opinion by these reputable authors argues by itself to the existence of internal probability. As is said in Noldin: "De probabilitate interna iudicare non possunt nisi docti et in re morali valde versati; his probabile est, quod omnes diligenter consideratis apparet gravibus rationibus innixum."[39] It was for this very reason that we accepted the authority of Capello and Prümmer, even though they assigned no reasons for their opinions; we presume that theologians of their stature will not put forth an opinion unless it be based on good and solid reasons, even though those reasons are not set down for us to consider.

(2) Fr. Curtis next takes up the point of an interpretation of the mind of Saint Alphonsus. Ballerini considered this very point in 1891 and reached this conclusion:

> Et citatur c. *Proposuit, de Filiis presbyt.,* ubi dicitur: 'Non enim solus presbyter Missarum sollemnia vel alia divina officia potest, sine ministri suffragio, celebrare.' Haec tamen phrasis, *Missarum sollemnia,* non improbante l. c. paulo post eodem S. Alph., explicantur in alio simili canone de *Missa sollemni,* quae opponitur *privatae.*[40]

The writer in *The American Ecclesiastical Review* for 1919[41] used this same quotation to his advantage. Hence, Fr. Curtis to the contrary notwithstanding, the original argument stands.

So far as the Code itself is concerned, nobody expects, or even did expect, that it would answer all difficulties and legislate for all eventualities. If that had been the expectation, the Commission for the Interpretation of the Code of Canon Law would never have come into being, and commentators on the Code would be unheard of.

(3) In his reply to this argument, Fr. Curtis seems to miss the point. We admit that the regulation demands a server—but does it do so under all conditions? The point at issue is: Can we admit that under the condition we are discussing the regulation is lifted, as it has been for other conditions?

Under this same point, Fr. Curtis tends to confuse his readers in his use of the terms *public* and *private* as applied to the prayer

[39] Noldin, *Op. cit.,* I, p. 237, ad *d.*

[40] Ballerini, *Opus theologicum morale* (Prato: Giachetti, 1891), IV, Tr. X, Sect. IV, Cap. III, n. 344, p. 781.

[41] *AER,* LXI, 3 (September, 1919), p. 319.

of the Church. The Mass cannot be a private prayer; it is public prayer, because it is offered in the name of the universal Church, by a duly ordained minister, according to the approved liturgical form. Hence, whether the priest celebrates alone, or before a thousand people, the mere presence of the additional worshippers has no substantial bearing on the effects of the Mass.[42]

(4) We consider that the alignment of authors made above[43] constitutes a sufficient *consensus communis* of authors favoring the affirmative stand. This alignment of authors also argues to a sufficient division of authority to allow the probability of the lenient view.

(5) Fr. Curtis holds this objection in common with Fr. Schaaf. Since Fr. Curtis simply states that we cannot conclude that pre-Code necessity is sufficient to excuse under the laws of the Code, we might simply deny his assertion and be within our rights. We will add some reasons, however, that may possibly go to strengthen our case. The very fact that indults are *de facto* given in our times proves that the pre-Code necessity still exists in these cases. True enough, in a missionary country we expect the unexpected, so to speak. Hence the faculties of the missionary-status days of the United States gave a permission that would be unusual in other circumstances. When the United States ceased being a missionary territory, it was presumed that the discipline here was, in general, sufficiently well ordered to enable the general law to function without too great difficulty.

For this reason, in post-Code days exceptions might reasonably be more rarely made, and only on application to higher ecclesiastical levels. The necessity was thus viewed as still existing, though not with the prevalence of earlier years. If that necessity did not exist, there would never have been any indults. Since there are actual instances of indults being granted in our days, we must recognize that the indults were given because they were needed.

To put it on an *a pari* basis: the priest who, before the Code, was habitually without a server had a faculty granted to him to say Mass without a server. The celebrant who today finds himself

[42] Cf. Hervé, *Manuale theologiae dogmaticae* (9th ed. Paris: Berche et Pagis, 1933), IV, nn. 136-143, pp. 134-139.

[43] Cf. *supra*, ad (I).

habitually without a server can usually receive an indult to say Mass without a server. The need is still the same; the solution under the law is different, but has the same effect as in earlier times.

(6) Taken in one sense, Fr. Curtis' statement here might be looked upon as a contradiction: there are circumstances that justify indults, but these indults cannot be given because that would mean abandoning the law. If conditions are truly unusual enough to justify indults, it would seem that those indults ought to be given.

We might further speculate here on the extent to which this abandoning of the law would really reach. Those who are habitually and justifiably without servers constitute a small fraction of the total number of priests in the United States. The normal observance of the law of Canon 813, §1 would have the effect of keeping that number small. The greatest frequency of occurrences of this sort would be in dioceses whose circumstances are comparable to those in mission territories, or among priests on University faculties or in similar groups apart from parish life. The number of indults needed to care for them would be relatively small.

Nor are there present in alarming frequency cases of what Fr. Donovan calls "the unprovided and the unprovidable." Certainly those using indults and those acting under the necessity imposed by unforeseen circumstances will not, considering the nature of the case and the habits of prudent men, be of such numbers that the universal law would be abandoned in consequence.

(7) Under this point Fr. Curtis says: "No provision and no such universally admitted permission is had for Mass with no server at all." We may reply that indults are provisions for Mass with no server at all. Then there are three quite universally admitted permissions for Mass with no server at all, i.e., for the sake of Viaticum, for the fulfilling of the Sunday precept by people or priest, and for the continuation of Mass when the server departs and does not return. All theologians who treat the matter permit the celebration of Mass when one or other of these excusing causes is present.

(8) We agree that priestly ideals and personal devotion ought to be fostered within the framework of the Church's laws, and we find comfort in the fact that the structure of the Church's laws

contains such things as epicheia and excusing causes arising from necessity. We hold that these operate here, and have adduced authors to support our view.

(9) Once more we agree with Fr. Curtis in his statement. It is precisely because the lawmakers *did* know the value of the Mass and the utility of daily celebration that we feel inclined to the lenient view in this question. The law is designed to protect the Mass from gross negligence and laxity, but not from the reasonable use of excusing causes by prudent men.

(10) Fr. Curtis dismisses the last point by saying that it is a negative argument at best. Perhaps so, but it is better than no argument at all. Fr. Curtis has not, by this statement, shown that Canon Law will lose any force; consequently the argument at which the statement was aimed still stands: the law of the Code does not become a dead letter, but still governs cases outside such reasonable interpretation, e.g., wanton neglect.

We conclude, in the light of what we have said under these ten headings, that Fr. Curtis has not successfully argued against the reasons that gave intrinsic probability to our view. Therefore those reasons still stand, and the lenient interpretation retains its intrinsic probability.

Ad (III). Of the authorities claimed by Fr. Curtis for the more severe view we might remark that Canon Mahoney and Fr. McCarthy write for England and Ireland respectively. Conditions in those countries might possibly influence the conclusions of these respected authors, just as conditions here in the United States enter into ours. We do not intend, by suggesting this consideration, to undermine the authority of Canon Mahoney and Fr. McCarthy by an *argumentum ad hominem:* we accept their authority with the understanding that these men were not speaking directly of cases as they occur in the United States, writing as they were for regional consumption.

Fr. Schaaf's authority and opinion are entirely admissible. We do feel that in Fr. Forrest's case additional reasons should have been adduced for his stand, in view of the fact that his fame is not so widespread as that of the other three authors noted.

Against these four authors, to whom we may add Woywod, the more lenient interpretation of the law can align seven reputable authors and the weight of the writers for *The American Ecclesi-*

astical Review, who depend on reasons that have not been destroyed by contrary arguments.

We conclude, therefore, that from the extrinsic authority quoted and the intrinsic probability of the arguments adduced it is certainly probable that a priest may, *ex devotionis causa tantum*, celebrate Mass without a server, *seclusa negligentia*. We will recall here the necessity for using a relative moral diligence to provide a server and the necessity of undergoing some inconvenience if a server may thus be obtained, e.g., by waiting for a reasonable time until someone is free to serve the Mass.

We do not think that, without an indult, Mass can be so celebrated habitually because of the danger of laxity and negligence that may creep in.

We consider that religious superiors and others with the spiritual charge of large concentrations of priests ought to be aware, as a duty of their office, of the extent of the need for an indult of this kind among their subjects. If there is true need for an indult, one ought to be obtained at least for the security and peace of mind of the priests in such circumstances.

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CATHOLICS AND THE POOR

Not all Catholics are saints; but they are all bound to imitate the basic attitude of the saints toward the poor because in the poor they must see Christ. This fact has given Catholic charity a certain flavor of its own, distinguishing it from the philanthropy of unbelievers—as long, at least, as Catholics are faithful to their own traditions. Thus there has grown up in the Church a body of attitudes, principles, and methods, and these constitute traditional Catholic charity as it has been known and practiced down through the centuries. Problems change with the changing times, methods change in detail with increasing knowledge, forms of organization vary from generation to generation, but the essentials of the great tradition remain unaltered.

—Paul Hanly Furfey, in *The Mystery of Iniquity* (Milwaukee: The Bruce Publishing Company, 1944), p. 103.

THE FALLACY OF "SIX-THIRTY"

I read with surprise in *The American Ecclesiastical Review* for February, 1947, an article entitled "Six-Thirty." The author tells us how, for nine years, he used to start his day with: "a quick splashing of water and a mad dash for the altar." He did not get up in time to say his morning prayers, make his meditation, or make a careful preparation for Holy Mass.

I admire the candid frankness and sincere humility of this public self-accusation.

The author then continues and asks himself: why he had been like that: "Now why did I have to wait for nine years to learn something that I should have realized when I left the seminary?" "Why is it that we have left the seminary, grown men of twenty-four or more, still in the formative stage?"

It is not the first time that I have heard that question asked. I, too, have asked the same question, and it is not the first time that I have heard the surprising answer, similar to the one given in the article, for I, too, have given a similar answer: "One is tempted to wonder whether the seminaries couldn't do a better job in making us adults before ordination."

We have blamed the seminary!

I do not know what seminary the author went to, but I do not feel presumptuous in supposing that it was one where the need of personal sanctity was stressed again and again, at least in general terms. As a matter of fact the author tells us: "I had the necessity of prayer drummed into me, but I wasn't apparently convinced of it; I wasn't sold on it."

Why? Because there was a lack of salesmanship in those who conducted the seminary?

The fallacy of this reasoning is based upon the failure to cut a clear distinction between the things that belong to the intellect and those that pertain to the will, and the mutual relation between intellect and will.

The will does not necessarily act according to the light of the intellect. Good salesmanship illuminates our intellect, but it does not force our will into action. In other words, salesmanship explains to us why we should buy a certain product, but the act of buying is completely our own decision: we can either buy or refuse to buy. Our will remains free.

Therefore, strictly speaking, the salesman cannot be held responsible for our refusal to buy.

But to this, the author seems to answer: One cannot buy reasonably if he does not know the value of the article; and the seminary did not show us the value of prayer, at least not convincingly.

First of all, what do we understand by the word "convincingly"? If that word means "a knowledge which has been converted into action," then the use of the word "convincingly" constitutes a mere repetition of the fallacy we mentioned above.

If by the word "convincingly" we are to understand a mere *increase* in knowledge concerning the value of prayer, then again the failure to act upon the knowledge we had, even without the increase, cannot be imputed to the salesman.

But there is also another fallacy contained in this latter argument, for the author seems to imply that the seminary is the only salesman of prayer, while in truth, the seminary is just one in a hundred or maybe a thousand. For anyone who ever read the Gospels knows our absolute need for prayer, because he has listened to the divine salesmanship of Our Lord Himself. "Watch and pray that you might not enter into temptation."[1] "And he also told them a parable that they must always pray and not lose heart."[2] "Therefore, I say to you all things whatever you ask for in prayer, believe that you shall receive."[3] "If you ask anything in my name, I will do it."[4] "Ask and you shall receive."[5]

Our absolute need and the advantages of prayer are preached to us by the Apostles. Through the centuries the Fathers of the Church, the councils, the saints, the masters of spiritual life have echoed the Master's plea and command, "Vigilate et orate." During retreats and days of recollection special emphasis is given to the "Vigilate et orate." Our Catholic periodicals and magazines, the world around us, the saints and the sinners broadcast continually the absolute necessity of "Vigilate et orate."

When we study or studied our theology, when we make our meditation, when we do our spiritual reading or say our breviary, when we say our morning or evening prayers, prayers before and after meals, when we celebrate Holy Mass, we are constantly reminded: "Vigilate et orate." When we go to confession, it is with anguish that our conscience, pained by sin, shouts to us:

[1] *Matt.*, 26:41.
[2] *Luke*, 18:1.
[3] *Mark*, 11:24.
[4] *John*, 14:14.
[5] *John*, 16:24.

"Vigilate et orate." The Sacred Heart in His apparitions at Paray-le-Monial, Our Blessed Mother at Lourdes and Fatima, beg and plead and even threaten us with: "Vigilate et orate." For us, who have had the blessing of a Catholic education, there is a banquet table waiting, filled with heavenly food. Our Lord invites us, "Come and eat." Our Blessed Mother, the Apostles, the Church, the saints and the sinners, the whole world invites us: "Come and eat." Now, is it not rather a poor excuse, to blame our spiritual famine on our seminary because there the invitation: "Come and eat" was not repeated often enough?

I am not trying to write an "apologia" for our seminaries. If they fail in their duties, great is their responsibility before God and man. But to blame our defects on their possible shortcomings is really no excuse.

Our mistake has been that, while looking for the answer to why we were lacking in spiritual life; we looked around us instead of looking inside of us.

Why do we lack spiritual life? There are only three possible answers. First, because we did not know about it. (But we did know about it, even if in our seminary they never talked about it, a supposition which seems to be an outright contradiction.) Second, because we did not have the means to acquire it. (But we did have the means.) Third, because, knowing the importance of spiritual life and able to acquire it, we refused to purchase it. (Here we find the answer: *we refused to purchase it!*)

Why? Mystery of man's weakness and iniquity! Why was the rich young man, in the Gospel, much grieved, when Our Lord told him: "One thing is still lacking to thee; sell all thou hast, give to the poor, and thou shalt have treasure in heaven; and come follow me"?[6] Because he did not want to pay the price. We, too, are lacking in spiritual life, because we do not want to pay the price. Because we are not willing to bring the sacrifices Our Lord asks from us as payment.

When we were hungry, He offered us to eat. When we were thirsty, He offered us to drink. When we were strangers, He offered to take us into His house. When we were naked, He offered to cover us with His garments.

But we walked away and were sad, because we thought His price was too high. For to eat His bread and to drink His wine

[6] *Luke*, 18:22-23.

and to enter into His house, we had to relinquish the things of this world, and to be vested with His garments, we had to follow Him all the way upon Golgotha as well as upon Mount Thabor. But we did not have the generosity of heart to relinquish all and to follow Him all the way. We have tried to bargain with Him. But His only answer was and always will be : "This is the will of God, your sanctification."[7] *Miserere, miserere mei . . . Domine, ad adjuvandum me festina!*

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[7] *I Thess.*, 4:3.

FIFTY YEARS AGO

In the June, 1897, issue of *The American Ecclesiastical Review* the leading article is an interesting account, by the Rev. H. T. Henry, of the history and of the meaning of the hymn "Veni Creator Spiritus." Fr. Henry discusses at great length the authorship of this poetic masterpiece, and particularly the claims of Charlemagne and Rabanus Maurus. He concludes that we may hestitate in a choice between these two, or indeed in ascribing the hymn positively to either. He tells us that the concluding doxology was not a part of the original text, which very likely ended with the words "Credamus omni tempore" . . . . A two-volume work entitled *A History of the Warfare of Science with Theology in Christendom,* by Dr. Andrew White (formerly president of Cornell), is given a lengthy criticism by Fr. Thomas Hughes, S.J. The theme of Dr. White's book is that modern science has clearly disproved the ancient beliefs in creation, demoniacal possession, etc. He is particularly vehement in his denunciation of the doctrine of miracles, and devotes a considerable portion of his voluminous work to an endeavor to cast discredit on the miracles ascribed to St. Francis Xavier. . . . The *Analecta* contains a letter of Fr. Heuser, the editor of *The American Ecclesiastical Review,* asking a blessing from the Sovereign Pontiff, and the reply of the Secretary of State, Cardinal Rampolla, graciously granting the favor and commending the translation of Fr. Brandi's articles on Anglican Orders, which had been presented in the pages of the *Review* in the first four issues of this year. . . . A brief anonymous article gives an excellent summary of the Holy Father's decision against the validity of Anglican Ordinations. . . . In a reply to a question concerning the obligation to attend Sunday Mass it is stated that the present law, as far as its explicit form is concerned, was first introduced in the catechism of Bl. Peter Canisius, whence it found its way into other religious instruction-books.

F.J.C.

A NOTE TO PSALM 109, VERSE 7

It is no secret that from our earliest acquaintance with the breviary, Psalm 109 has singularly impressed most of us with its majestic lines and the power of its content. But somehow a feeling of uncertainty or, perhaps, curiosity would creep over us as the last line died on our lips. The picture seemed to lack completeness, and while all spiritual and mystical reflections might stimulate our meditations, there still was a gap between the last line and the body of the Psalm. The present writer confesses that this line has always intrigued him, and for that reason when he read the illuminating remarks by Fr. Gruenthaner in the December, 1946, issue of this *Review* (pp. 463-67), he succumbed to the temptation of laying his other work aside and saying his little say. And here it is for what it is worth.

We are in full agreement with Fr. Gruenthaner that Fr. Rembold's reconstruction of the Massoretic text is "daring and unnecessary" (p. 465). On the other hand, the meaning thus obtained "Dabit eam (i. e. terram) hereditatem in manum tuam: ideo exalta caput," has this advantage that it seems to fit more adequately into the picture conveyed by the Psalm than the usual explanations of the words "De torrente in via bibet." But, rather than tamper with the traditional text on the assumption that all Massoretic copyists have blundered and that for these many centuries exegetes have been forced to exhaust their ingenuity in finding suitable explanations, we should first use every effort to see if the popular usage of words and the local atmosphere might throw some additional light on the subject.

It is fully agreed that Psalm 109 is Messianic and that its full meaning lies in the realm of the spiritual and typical. We have no quarrel with Fr. Gruenthaner's statement that "the stream by the wayside symbolizes the supernatural graces which will ever be at the disposal of the Messias in his quest for souls" (p. 465), or with the note of the Editors of the new *Liber Psalmorum cum Canticis Breviarii* (p. 235): "Id metaphorice eo sensu explicari potest, quod Messiae 'in via sua' semper praesto erit auxilium divinum quo recreatus caput erigat et vincat." But whether this truth can be based on the text directly, or *per consequentiam* or *accommodationem*, will depend on the precise

meaning and import of the expression "drinking of the torrent in the way." Much light is often gained for spiritual and even dogmatic truths from a clear and thorough analysis of the literal or verbal sense. Hence it is essential that in all Scriptures, no less than in any other literary composition, we seek first to trace the obvious, literal (*sensus proprius*), "down-to-earth" meaning of word or expression. The people for whom and to whom these writings were originally given were supposed to have at least an understanding of the purely obvious sense of the words, even though the spiritual and mysterious meanings may have been, and often were, hidden from them. The same is true of an expression clothed in a metaphor (*sensus literalis-improprius*). As a rule, people have a keen sense of metaphorical language.

In his excellent work *Psalms*, Fr. McClellan, S.J., points out that the triumphant Messias will execute victorious judgment on rebellious nations, so rapidly conquering them "that he shall pause only at wayside streams to slake his thirst" (p. 285). This thought moves along with the tempo of the Psalm, but the next expression, "propterea exaltabit caput" seems to halt, if not disturb the movement. The question is: Is there anything in the life or imagery of the Hebrew people that might lend color and force to the act or scene of a conquering hero drinking of a wayside stream after a victorious campaign, and lifting up his head.

First of all it may be well to say a word or two about the value and significance of water in oriental life, especially in biblical surroundings. Water meant life, growth, prosperity. If we glance over the pages of Genesis, Numbers, Deuteronomy, Josue and Judges, we shall gather ample evidence that the course of the journeys and the livelihood of the Tribes were determined primarily by one thought only, namely, the hope of finding water for themselves and their cattle. The strifes between the herdsmen of Isaac and Abimelech (*Gen.*, 26: 14-22) afford an interesting illustration. To find "living water" was their one aim, and strife was certain to ensue whenever one party claimed: "It is our water." But, what is more, the occupant or owner of a well or "living water" enjoyed the manifest protection and guidance of the Lord. Note the joyous chorus when the well "Latitude" was dug: "Now hath the Lord given us room, and made us to increase upon the earth." All the hopes of Israel converged upon the promise: "For the Lord thy God will bring thee into a good land,

of brooks and of waters, and of fountains: in the plains of which and the hills deep rivers break out" (*Deut.*, 8:7).

The further point to note is that in oriental and especially nomadic life, the occupation of a well or of any body of water meant ownership and dominion over the whole territory. Usually, in fact, lands are appraised on the basis of the waters they possess. At the allotment of lands to the different tribes, "The lot of the sons of Joseph," for instance "fell from the Jordan over against Jericho and the waters thereof" (*Jos.*, 16: 1). Axa pleads with her father: "Give me a blessing, for thou hast given me a dry land: give me also a watery land. So Caleb gave her the upper and the nether watery ground" (*Judges*, 1: 15). The underlying thought centers on "the blessings of the deep that lie beneath" (*Gen.*, 49: 25).

We believe that Verse 7 of our Psalm should be focused in the scene afforded by the ancient and beautiful Song of the Well (*Num.*, 21: 16-18). "The well appeared whereof the Lord said to Moses: Gather the people together, and I will give them water. Then Israel sung this song:

"Arise, O Well! Sing unto her—
"The well, dug out by princes;
"Bored by the nobles of the people
"With the staff and their staves."

This scene of sudden joy and jubilation stands in bold relief against the weariness of the wilderness, the fatigues of the march and the hostile armies around. The high pitch of emotions is emphasized by the spontaneous urge to sing to the well that it might continue to flow. It is significant, too, that the chieftains and heroes of the nation are accorded due praise and honor.

We shall hardly go amiss if we picture the hero of Psalm 109 as the center of the scene above. Whether we read *yaldutheka* ("Thy youth"—youthful followers of the King) according to the Hebrew, or *yelidtîka* according to the LXX text, it is assumed that the King is accompanied by a vast army. The battle is over; kings are crushed; nations are judged, and bodies and heads are scattered "far and wide through the land." If the battle were ahead, one might picture a scene of haste and hurry, as in *Judges*, 7: 5-7. Here the work is done and the troops demand rest and recreation. With an air of grateful generosity the leader invites his stalwarts to rest by the wayside and drink of the refreshing waters of the

brook. Bound to his meter, the poet compresses in a brief line what, in lyrical reflection, he senses as the climax of it all: victory, universal and complete. But the scene has also a symbolic significance. The undisturbed repose and the free use of the waters of the brook in what was formerly enemy territory is a symbol of undisputed possession and lordship "far and wide through the land."

In this way, the second part of the Verse, "propterea exaltabit caput" is a natural continuation or rather consequence of the first. Happily the Editors of the new *Liber Psalmorum* have changed "exaltabit" to "extollet," which gives a more realistic touch. The Hebrew word *yārîm* suggests the meaning "will hold high" rather than merely "will lift up." At all events, the expression of "lifting up the head" is a metaphor common to all Semitic languages (cf. Assyrian, Arabic, etc.). It denotes self-confidence (*Job*, 10, 15) and particularly a consciousness of power and over-lordship (*Judges*, 8: 28; Psalm, 82: 3).

Broadly speaking, we have arrived, though with less labor and daring, at about the same meaning that was suggested by Fr. Redmond on the basis of the reconstructed text: "He will place the earth in Thy hands as Thy inheritance: hence raise high Thy head" (Fr. Gruenthaner's translation). Let us sum up our thoughts in a paraphrase of the traditional text:

> Victor over his foes and lord of the conquered domains,
> He rests his victorious troops,
> *And drinks of the stream by the wayside:*
> *Wherefore*, in the triumph of his royal power
> *He raises high his head.*

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MISSION INTENTION

"More Missioners for Africa" is the Mission Intention for the month of June, 1947.

SPIRITUAL PERFECTION IN THE DIOCESAN PRIESTHOOD

It is an incontestable theological truth that a diocesan priest must possess a high degree of Christian perfection in order to do his work as God wills it should be done. This is the basic guiding principle for the spirituality of the secular priesthood. Unfortunately, however, the teachings about the need for and the place of spiritual perfection in the vocation and the life of the diocesan priest have all too frequently been obscured by reason of debates about the applicability of the term "state of perfection" to the secular priesthood itself.

St. Thomas Aquinas taught that a man is in a state of perfection, in the strict sense of the term, only when he has obligated himself perpetually and in a solemn and public manner to the life of perfection.[1] Holding to this definition, he taught that only bishops and religious were properly in this state.[2] The Angelic Doctor insisted very strongly that secular priests are not in a state of perfection.[3] Unlike religious, he said, secular priests are not bound by vow to the work of acquiring perfection through the following of the evangelical counsels. Moreover, he held that the secular priest is not bound entirely with absolute permanence and solemnity to the spiritual care of the people after the manner of the bishop. Thus he established his conclusion that the diocesan priest could not be considered as living in a state of perfection.

Distinguishing very sedulously between the *status* and the *ordo*, St. Thomas taught that the Eucharistic ministry demanded a higher degree of holiness in the priest and the deacon than the religious state required of a religious not in Holy Orders.[4] Yet he refused to see in this obligation the type of *servitus* that characterized a *status perfectionis*.

In view of his own description of a *status perfectionis*, the Angelic Doctor's conclusions with reference to diocesan priests can hardly be considered as being of the same excellence as his other teachings. If any solemn, perpetual, and publicly expressed *servitus* of perfection should be designated as a state of per-

[1] Cf. *Sum. theol.*, II-II, q. 184, a. 4, 5, 6.
[2] Cf. *ibid.*, a. 5, 6.
[3] Cf. *ibid.*, a. 6.
[4] Cf. *ibid.*, a. 8.

fection, it is hard to see how this designation can accurately be refused to the condition of a man who enters a brotherhood or society essentially and necessarily devoted to the spiritual welfare of a local Church through the solemn and public process of sacerdotal ordination. Yet, this is precisely the case of the diocesan priest. By his ordination, he publicly and solemnly enters the *presbyterium* of his own bishop and thus begins a life-long activity of perfecting the faithful of his local Church as a member of the priestly society over which his bishop presides.[5] The fact that the diocesan priest must act under the direction of the bishop and the further point that the activity of the individual secular priest does not, like that of his bishop, deal with all the concerns of the entire local Church have no direct reference to the description of a state of perfection in the *Summa*. Thus they would seem to constitute no valid reasons why this designation should, on his principles at least, have been denied to the diocesan priesthood.

The Thomistic school, as a whole, followed the teaching of St. Thomas on this point with absolute fidelity. Interestingly enough, no Thomist showed greater enthusiasm and higher controversial skill in developing the thesis that secular priests are not in a state of perfection than the doughty Francis Sylvius, himself a secular priest of Douai.[6] Nevertheless, by reason of the latitude given to the term "state of perfection," there were some authors who did not choose to adopt the Thomistic attitude and terminology. Thus Francis Suarez said that priests "merito dici possunt aliquo modo, inchoative saltem, in statu perfectionis."[7]

[5] In denying that prelates other than bishops and that pastors were in a state of perfection, St. Thomas made much of the fact that these men could resign their charges or be relieved of their *cura animarum* without having recourse to the Holy Father himself. Thus, he reasoned, they are not permanently and perfectly consecrated to the care of souls. He does not take account of the fact that the *presbyterium* as an organization remains always devoted to its task of aiding the bishop and that the individual diocesan priest remains a member of this organization, even though the individual assignment from his bishop may be changed from time to time. It is by virtue of his membership in his own *presbyterium* that the individual secular priest, in whatever work he may be called upon to do, may be said to be actually always laboring for the care of souls in the local Church.

[6] Cf. his Commentaries on the articles mentioned above, in the *Opera omnia* (Antwerp, 1698), III, 899 ff.

[7] *De virtute et statu religionis*, lib. 1, cap. 17.

Cardinal Manning taught that the priesthood is "the state of perfection instituted by our Divine Lord to be the light of the world, and the salt of the earth."[8]

In the dispute on this point, two unfortunate tendencies arose. One was the lamentable and erroneous effort on the part of some secular priests to minimize the worth of the religious life altogether. It is a fact, of course, that the religious life is indubitably a state of perfection, and that the condition of those who devote their lives to the acquisition of perfection through the publicly vowed following of the evangelical counsels is, in itself, better than the condition of those who do not. Thus, from the point of view of the canonical state of perfection, it is perfectly certain that the religious state is more perfect than that of the non-religious, and that the religious priest is in a more perfect state than the secular priest. To deny or to misrepresent this is to be guilty of a serious theological error.

Nevertheless, it is also a fact that in order to do the work of the diocesan priesthood as God wills it should be done a man must possess a high degree of Christian spiritual perfection. Moreover, by the very constitution of the Catholic Church, the secular priesthood is a necessary element in Our Lord's society. According to St. Ignatius of Antioch, there is no such thing as a local Church without a bishop and a *presbyterium*, a society of priests directly under his rule.[9] The *presbyterium*, normally at least, could not be a religious order or congregation, since the religious brotherhood is organized primarily to achieve the spiritual perfection of its own members, while the *presbyterium* is formed to labor for the sanctification and the salvation of souls in the local Church. Unfortunately, there have been some religious writers so intent upon their task of showing the superiority of the religious life that they have seriously misrepresented the nature and the function of the diocesan priesthood.

The new Apostolic Constitution, *Provida Mater Ecclesia*, issued by the Holy Father on Feb. 11, 1947, has done a tremendously important service to the students of sacred theology by offering an official and clear-cut description of a canonical state of perfection. The new Constitution makes it clear that, according to the law of

[8] *The Eternal Priesthood* (Baltimore; John Murphy Company, no date), p. 45.

[9] Cf. *Ad Trallianos*, III, 1.

the *Codex*, "in no case, not even by way of exception, is a canonical state of perfection admitted except where the profession of that state of perfection has been made in a *Religio* approved by the Church."[10] The Holy Father has thus settled any controversy about the use of a name, and has definitely imposed the thesis that only religious in the strict sense of the term could be considered as being completely in a canonical state of perfection, *as this state of perfection is strictly defined in the Provida Mater Ecclesia*. The declaration of the new Apostolic Constitution has, of course, no reference to the broader description of the state of perfection contained in the *Summa theologica*.[11]

The *Provida Mater Ecclesia* speaks of the persons in a state of perfection as those who "devoting their entire life to Christ the Lord, follow Him freely by the difficult way of the counsels."[12] It speaks of public vows (both solemn and simple) as "necessary for a complete canonical state of perfection."[13] Although the Secular Institutes, newly associated with the *Religiones* have not the completeness of these latter as states of perfections, they constitute nevertheless "a new canonical state in the strict sense of the term, consecrated *unice et ex integro* to the acquisition of perfection."[14]

Thus, according to the Holy Father, it appears that the *Institutum saeculare*, and of course by way of consequence, the *Religio*, within which alone the canonical profession of the state of perfection is to be found, must necessarily be an organization geared *unice et ex integro* to the acquisition of spiritual perfection on the part of the members of such societies. The diocesan priest is definitely not in a *status perfectionis adquirendae* because the *Religio*, within which alone the complete canonical state of perfection is to be found is clearly described by the *Provida Mater Ecclesia* as something quite distinct from the *presbyterium*.

Like the religious, the diocesan priest is essentially a member

[10] *L'Osservatore Romano* (LXXXVII, 61), p. 1.

[11] The Constitution contributes to the development of theology by making it clear that the *Religio* and the Secular Institute, despite their orientations towards apostolic work, remain societies devoted *unice et ex integro* to the acquisition of spiritual perfection by their own members. There was a marked tendency to neglect, and even to deny, this truth prior to the issuance of the *Provida Mater Ecclesia*.

[12] *Loc. cit.* [13] *Loc. cit.* [14] *Loc. cit.*

of an individual society or household within the larger unity of the Catholic Church. The fellowship or brotherhood to which the diocesan priest belongs is the *presbyterium* of his own diocese, the company of priests organized under the paternal rule of the diocesan bishop to co-operate with the bishop and to serve as his instrument in his apostolic care of the local Church over which he presides. The *presbyterium*, then, by its very nature, is not an organization consecrated *unice et ex integro* to the acquisition of spiritual perfection by its own members. It is a real society dedicated to the Church's essential purpose, that of working for the sanctification and the salvation of Christ's flock.

The difference between the *Religio* or the true and complete canonical *status perfectionis adquirendae* and the diocesan *presbyterium* can be explained by this statement about the orientations of the diocesan ministry and the religious life.

> The diocesan ministry is a work which a man is privileged and called upon to accept in order to continue and to apply the sacerdotal labors of our Lord among His people. The religious life, even in clerical communities, is geared to produce, as its immediate effect, an increase in personal holiness among those who have the vocation to enter it.[15]

By the divine constitution of the Catholic Church, the *presbyterium* is, of course, organized in such a way as to demand a high degree of Christian perfection from its members. At the same time both the essential work of the *presbyterium* and the divine and ecclesiastical laws that govern it are of a nature to inculcate and to increase the life of charity within the diocesan priesthood. Thus the *presbyterium* is truly a school and a nursery of perfection, though it can lay no claim to the designation of a canonical *status perfectionis adquirendae* ultimately because this society is not organized and consecrated *unice et ex integro* to the acquisition of spiritual perfection by its members. The ruler of a *Religio*, the man to whom religious priests promise their sacerdotal obedience on the day of ordination, is a prelate charged with the primary responsibility of seeing that his subjects grow in holiness through their fidelity to their vows. The head of the *presbyterium*, on the other hand, is the ruler of a diocese, a bishop whose primary obligation has to do with the care of his people. To this end the

[15] Fenton, *The Calling of a Diocesan Priest* (Westminster, Maryland: The Newman Bookshop, 1944), p. 12.

works of the bishop and of his *presbyterium* must be directed, *unice et ex integro.*

The essential work of the diocesan priesthood consists in the performance of those functions enumerated in the admonition prefixed to the rite of sacerdotal ordination in the *Pontificale Romanum.* "Sacerdotem etenim oportet offerre, benedicere, praeesse, praedicare, et baptizare." Every one of these activities not only demands holiness on the part of the man who performs it, but incites to personal spiritual perfection and offers instruction and spiritual aid for growing in the divine life of charity. The man who offers the Holy Sacrifice of the Mass worthily day by day will necessarily derive from the Mass abundant treasures of divine grace and will certainly achieve the holiness requisite for the proper performance of all his sacerdotal duties. The man who strives to bring his own life into harmony with the blessings he calls down upon his people through his priestly prayers will find that a life so ordered is one of high spiritual perfection. The priest presides over his people in their corporate worship of God. This presidency offers to the man who undertakes it from proper motives the opportunity of living ever more perfectly within himself the life of grace of which the Christian *ecclesia* is the corporate exponent. In preaching the word of God to the people of the local Church, the member of the *presbyterium* sets forth the truth from which all perfection in the spiritual life originates. A priest preaches worthily only when he has made every requisite effort to understand the doctrine he is privileged to teach, and thus the process of preaching is both an incentive to Christian perfection and an enlightenment of the intelligence in the direction of holiness. The administration of baptism and of the other sacraments of the New Law likewise tends to bring the priest to love God with an affection ever more ardent and perfect.

Besides the offering of the Holy Sacrifice, the prayers, the meditations, the teaching of God's message and the administration of the sacraments, there are other agencies which the law of God and of the Church place at the disposition of the priest for the acquisition of that perfection demanded by his position in the diocesan *presbyterium.* The first of these is the absolute obedience to the bishop, as the head and the father of the *pres-*

byterium, made incumbent upon the diocesan priest by the divine law itself.

With respect to obedience in the Church, there are unfortunately many lamentable errors current in our own day. Some among the cruder sort of anti-clerical writers seem to imagine that no obedience whatsoever is due to Church authority on the part of those who have taken no religious vows or who do not belong to a diocesan *presbyterium*. As a matter of fact, of course, the divinely constituted rulers of the Church, the Holy Father and the residential bishops, and all of those who hold authority in their name, have the God-given power to give commands to the faithful, and to exact obedience to their orders. Every Christian lay as well as clerical, secular as well as religious, is bound to give obedience to Church law and to the commands of his legitimate ecclesiastical superiors. The case of the diocesan priest (and, for that matter, of the religious), differs, in the matter of obedience, from that of the layman in the Church only by reason of the fact that the diocesan priest and the religious have voluntarily entered distinct supernatural families or brotherhoods within the Church. They owe the obedience of children to the fathers of these supernatural households within the *ecclesia*. The diocesan priest owes a true and filial obedience to the bishop who is the father and the head of the *presbyterium*, the brotherhood or organization of his own diocesan priests. The religious owes his filial obedience, by virtue of a special and explicit vow, to his abbot or superior who becomes his true spiritual father when he enters the monastery or community.

The diocesan priest finds in this filial and perfect obedience to his bishop a tremendous means for sanctification. In submitting himself freely and reverently to the rule of his spiritual father, the member of the *presbyterium* truly follows the evangelical counsel of obedience. The purpose of this obedience, like the purpose of all the other evangelical counsels, is, in the last analysis, the plenitude of spiritual perfection, the perfection of divine charity.[16] The diocesan priest is consecrated to the task of using this charity, within the fellowship of his own *presbyterium*, and under the direction of his own bishop, for the spiritual welfare of the local Church.

[16] Cf. *Sum. theol.*, II-II, q. 184, a. 3.

The eminent Claretian writer, Fr. Antoine Peinador, has seriously misrepresented the nature and the purpose of the obedience demanded of and given by diocesan priests to their bishops when he taught that the Church wills to have this obedience "imitate" that which religious tender their own superiors.

> Obedience in seculars [diocesan priests] cannot be called as complete and perfect as that of the religious. Undoubtedly the Church asks from clerics an obedience which imitates the perfection of the obedience of religious.[17]

The fact of the matter is that the obedience of the *presbyterium* and of its members to the bishop of the local Church is not an imitation of anything. It is a factor intrinsic in the divine constitution of the Catholic Church. The fully developed local Church needs not only a bishop but a *presbyterium*, a brotherhood of priests organized under the bishop's leadership to aid him in the accomplishment of the local Church's purpose. The *presbyterium* could obviously never work as God wills that it should unless the brotherhood as a whole and each member of the priestly fraternity be joined to the bishop in bonds of the most perfect and complete filial obedience.

The obedience which the secular priest in any modern diocese is expected to give to his bishop is exactly the same as the obedience which St. Ignatius of Antioch demanded that the presbyters of his own time should give to the heads of their local Churches.[18] The true aud visible Church of Jesus Christ could not operate in the world as God formed it to operate unless the head of each local Church had subject to him a *collegium* of priests individually and corporately consecrated to the task of the local Church itself. Thus it is utterly untheological to imagine that the obedience which the Church demands that secular priests extend to their bishops is an imitation of or an approach to the obedience incumbent upon religious.

It is impossible to understand the nature of and the need for this obedience in the *presbyterium* unless we realize the necessity of the diocesan priesthood in the Catholic Church. Fr. Peinador

[17] *Sacerdotium saeculare et status religiosus* (Rome: Typographia polyglotta 'Cuore di Maria," 1940), p. 60n.

[18] Cf. *Ad Ephesios*, IV, 1.

has given utterance to a view, unfortunately all-too-prevalent among certain writers who seem to believe that the dignity of the religious life can be explained only by instituting a rather invidious and unscientific comparison between it and the diocesan priesthood, that the diocesan or secular priesthood as now constituted is not a necessary part of the divine organization of the Catholic Church. The question is so important that an examination of Fr. Peinador's argument in behalf of his own position should be helpful.

Secular priests are not absolutely necessary. This does not mean that the Church can do without bishops, pastors, etc., but it means that those who are required for giving the faithful their spiritual nourishment could all be religious. As a matter of fact, what is there to prevent the same situation which now prevails and which has prevailed in definite portions of the Christian flock (for there are vicariates prefectures, and the like in which the sole spiritual ministration is given by religious) from existing for the universal Church? Therefore secular priests, *as seculars,* are not necessary in the Church.[19]

The principles contained in the *Provida Mater Ecclesia* make it quite easy to recognize the error in Fr. Peinador's teaching. The individual *Religio*, according to the Apostolic Constitution, is a society organized ***unice et ex integro*** for the attainment of spiritual perfection on the part of the members of that society. The bishop, according to perfectly certain theological teaching, acts as the *perfector* of the diocese. He is not in a position to devote himself ***unice et ex integro*** to the advancement of his own perfection. Now it is also perfectly certain that the fully formed local Church (as distinct from the vicariate or the prefecture apostolic which is a local Church in the process of formation), demands a society or organization of priests subject to the diocesan bishop and formed to be his instrument in caring for the local Church. Thus the immediate purpose of the *presbyterium* in the fully formed local Church must be, according to the actual constitution of the Church itself, the salvation and the sanctification of the people. A society consecrated *unice et ex integro* to the attainment of spiritual perfection by its own members could not serve properly as the *presbyterium* of a fully formed local Church.

For this reason it is quite apparent that the *presbyterium* as a

[19] Peinador, *op. cit.*, p. 62.

society distinct specifically from a *Religio* is not in any way a disadvantage or a lesser good within the Catholic Church. The secular or diocesan priest as such is distinctly necessary within the society of the disciples. Neither the *presbyterium* nor its individual members can correctly be described as "imitations" of or as approaches to any *Religio* whatsoever. The spirituality of the diocesan priest is thus the apostolic spirituality of the bishop and of his *presbyterium*, rather than that of the *Religiones* or any imitations thereof.

This, of course, has a tremendously important repercussion in the practical training of a seminarian who is preparing for a call to the diocesan priesthood. Like that of the bishop, the state of the diocesan priest is essentially and necessarily one of *perfectionis adquisitae* rather than of *perfectionis adquirendae*. In other words, the seminarian is not properly prepared to accept a call to the diocesan priesthood unless he has acquired and has shown evidence of the high degree of spiritual perfection he will need for the performance of his sacerdotal duties in the *presbyterium*. He must have the love of charity for God in the ardent and fervent degree that will enable him to devote all of his energy and talent to the spiritual well-being of the local Church under the direction of his bishop. He must be prepared, not only to administer the divine sacraments to the people, but also to give those same people accurate instruction in the Church's divinely revealed truth, and real edification through the perfection of his own living example.

The laws of the Western Church make incumbent upon the diocesan priest the following of another evangelical counsel, that of perfect chastity in the life of celibacy. This, like the other evangelical counsels, is geared to produce a more fervent life of charity in the man who follows it. However, in this instance as in the case of obedience to the bishop, the perfection resulting in the member of the *presbyterium* is something meant to be utilized in the service of Christ through the apostolic activity of the *presbyterium*.

Thus, in all truth, the motive and the direction of the spiritual perfection in the diocesan priesthood can best be expressed in the burning words of Our Lord's sacerdotal prayer: "And for them do I sanctify myself, that they also may be sanctified in truth."[20]

[20] *John* 17:19.

The Christians of the local Church are the beneficiaries, directly and immediately, of the perfection within their own *presbyterium*. The truth in which they are sanctified is the truth of Christ.

In order to speak accurately about the perfection of the diocesan priesthood, however, we must not forget that when we say that the diocesan priest is in a *status perfectionis adquisitae* in contradistinction to the religious who is in a *status perfectionis adquirendae*, we do not hold or infer that the perfection of the secular is superior to that of the religious. As far as the canonical state of perfection is concerned, quite the opposite is the case. The person in the state of perfection by reason of vows made within a religious order is, from a canonical point of view, in a state superior to that of the person who has not made such vows.

The *status perfectionis adquirendae* of the religious is a definite canonical reality. The person in this status belongs to an organization which is constructed and geared *unice et ex integro* to the acquisition of spiritual perfection on the part of its own members. On the contrary, when we say that the diocesan priest is in a *status perfectionis adquisitae*, we merely take cognizance of the manifest and tremendously important fact that the member of the *presbyterium* is devoted to a work which demands a high degree of spiritual perfection on the part of the man who is called upon to perform it. That, after all, is the one basic fact about the spirituality of the diocesan priesthood.

Before the publication of the *Provida Mater Ecclesia*, with its clear-cut description of the canonical *status perfectionis adquirendae*, much of the discussion about the spirituality of the diocesan priesthood bogged down on what was, in the last analysis, a none-too-important question of words. The definition of the *status perfectionis* in general, as this was to be found on the pages of the *Summa theologica*, might well have been considered broad enough to apply to the secular or the diocesan priesthood, even though, for one reason or another, the Angelic Doctor himself was quite insistent that the secular priests should not be considered as being in a *status perfectionis*.

Now that the magnificent clarity of the *Provida Mater Ecclesia* is at the disposal of the theologian, there is little excuse for any attempt to allocate the diocesan priesthood within the *status perfectionis adquirendae*. The document has shown, once and for

all time, that this title should be reserved exclusively for *Religiones* and for the more recent Secular Institutes.

On the other hand, however, the appearance of the *Provida Mater Ecclesia* should obviate for all time the danger of errors which characterize the diocesan priesthood as something of an imitation of the religious life. By virtue of its more perfect description of the *Religio* and of the *status perfectionis adquirendae*, the new Apostolic Constitution has made it perfectly clear that the *Religio* is not and, by the very nature of the Church can not be, an organization upon which the *presbyterium* is modeled, or a thing which should or could replace the secular or diocesan *presbyterium*.

The theologians interested in the spirituality of the diocesan priesthood can be extremely grateful for the appearance of the *Provida Mater Ecclesia*. A study of this document should put an end to the unfortunate discussions which were primarily concerned with the applicability of a term to the secular priesthood as such, and which were prone to overlook the more important matter of the content and the direction of the spirituality of the *presbyterium*. In the light of this masterly Constitution, we can see clearly the implications of the fact that the diocesan priesthood is not a *status perfectionis adquirendae*, a brotherhood devoted essentially and intrinsically to the attainment of perfection by its members. The *presbyterium* is a priestly fraternity that demands perfection in its own members, and at the same time offers them the means for advancing in the love of God, in order that, through the sanctification of these diocesan priests, the people of God may have eternal life.

As the head of the local Church, the bishop is the *perfector* of his people by the will of God. As the head of the *presbyterium*, he is the divinely appointed *perfector* of his own diocesan priests. The fullness of charity the secular priest needs for the proper performance of his own duties in the Church will be his only in the measure of his filial loyalty to the head of his sacerdotal brotherhood.

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Answers to Questions

THE EUCHARISTIC BODY OF CHRIST

Question: When Our Lord said at the Last Supper: "This is my body . . . This is my blood," did He render present under the sacramental species His body and blood as they were then existing, subject to suffering and death, or a glorified and impassable body and blood?

Answer: The body and blood present under the eucharistic species are the *same* body and blood that constitute the material portion of Christ's human nature, wherever it may be in visible, tangible form, with its natural external extension. Consequently, when Christ said the words of consecration at the Last Supper, there became present under the species of bread the *same* body which the apostles beheld before them and under the species of wine the *same* blood which flowed in the veins of that visible body. (We are speaking now of what became present by virtue of the words, since by virtue of concomitance the other elements of His humanity and also His divinity became present under each species). Of course, at the time of the Last Supper, the human nature of Christ was still subject to suffering; consequently, in the Holy Eucharist He suffered whatever His humanity in visible form suffered. If the Blessed Sacrament had been reserved after the Last Supper, He would have endured in His eucharistic body and soul all that He was enduring at the hands of His enemies. At the ninth hour on Good Friday, when He died on the cross, His soul would have departed from the eucharistic species; but the Blessed Sacrament would still have been worthy of divine homage because of the inseparable union of the component parts of His humanity to the Person of the Word. Since the time of the resurrection the body and blood under the eucharistic species have been glorified and impassable. Today when the priest consecrates the Holy Eucharist, the body and blood which become present are the *same* that are in heaven at the right hand of God the Father.

RECEPTION OF A CONVERT

Question: In the event that a convert is to be baptized conditionally because his previous baptism was doubtfully valid, should there be any absolution from censure? The Ritual makes no mention of absolution in the external forum for such a case, but merely prescribes the abjuration or profession of faith, conditional baptism and sacramental confession with conditional absolution. It is only in the event that the previous baptism is judged valid that there seems to be required an absolution from censures.

Answer: Some authors believe that when the previous baptism was doubtful, a conditional absolution from censures should be given in the external forum; and this is the custom in England and Ireland (cf. Goodwine, *The Reception of Converts* [Washington, D. C.: The Catholic University of America Press, 1944], p. 110). However, as far as this country is concerned, it would seem that this absolution should be omitted when the convert is being baptized conditionally. Certainly, the Instruction prescribed by the Holy Office on July 20, 1859 (Appendix to *Rituale Romanum*) does not call for such a ceremony, as the questioner points out. The reason is that since the fact of baptism is doubtful, the factual doubt can be resolved into a doubt of law concerning the person's subjection to ecclesiastical jurisdiction, and hence it can safely be held that he is not bound by any censure. Fr. Goodwine, in treating this question, says: "In view of the fact that absolution from censure is unnecessary and superfluous, there is no point to the objection that the Instruction suggests that in doubt as to whether the convert incurred the excommunication the word *forsan* may be inserted in the formula of absolution. From the text of the Instruction it is evident that the rubric applies only to the formula used in the reception of those whose baptism is established as valid" (*op. cit.*, 111).

A PROBLEM IN SURGERY

Question: In *The American Ecclesiastical Review* for February, 1947, p. 143, under the heading "Surgery for the Healthy," the view is favored that a person may have a healthy appendix removed—at least when he is on his way to a country where surgical treatment is difficult to obtain—on the ground that there is

always a probability that one day it may be diseased. Why could not a woman use this same argument to justify the removal of a sound womb or healthy ovaries, on the plea that it is probable that at some future time such an operation will be necessary?

Answer: Sound reason dictates that in judging the morality of a proposed operation we take into consideration, not only the probable or certain benefits, but also the detriment that will probably or certainly result. If the harm that will ensue will very likely be slight, even a slight probability that the operation is necessary, or at some time will be necessary, would seem to justify it. Such is the case with the operation for appendicitis, discussed in the February issue and referred to by the questioner. But, on the other hand, if the operation is very likely (or even certain) to cause great harm, only a solid probability or moral certainty that it is necessary will justify it. Thus, a very slight probability that a person will contract a cancer of the eye would certainly not be a sufficient reason for the removal of the eye, even when he is going to a place where such an operation might not be properly performed. In estimating the harm done by an operation we must take into consideration not only the individual himself, but also society (in the case of generative organs, which are intended by God primarily for the benefit of society). Great harm is done to society when a person is sterilized, as when a woman has her ovaries or womb removed. Consequently, the slight probability that an operation of this nature is called for is certainly insufficient to justify a surgeon in performing it. Similarly, a woman who has had several caesarean sections may not have an hysterectomy merely on the score that there is a mathematical probability (e.g. one chance in fifty) that she will succumb to an infection on account of the scars on the uterus.

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NO DEACON OR SUBDEACON AT VESPERS

Question: At Solemn Vespers, is it proper for the celebrant to sing the Capitulum or should this be done by the subdeacon? Likewise, is it the office of the deacon to sing the *Benedicamus Domino* at the end of Vespers?

Answer: Our correspondent will no doubt be surprised to find that the response to his query is a *nego suppositum.* The at-

tendance of deacon and subdeacon in the vestments of their order is not proper at Vespers. There is definite prohibition of their presence in the decrees of the Sacred Congregation of Rites (cf. D. 4271, 3, June 8, 1911). Although when Vespers, usually in a truncated form, were the customary Sunday evening devotion, deacon and subdeacon were often employed on solemn occasions, the practice was not correct. It has not even the authority of the so-called Baltimore Ceremonial, which was specially compiled for the United States.

Instead of deacon and subdeacon, the celebrant at Solemn Vespers should be assisted by cope-bearers (*pluvialistae*), two, four, or six in number. These are vested in surplice and cope and perform the office of pre-intoners of the antiphons and the hymn. The two senior *pluvialistae* may sit at the bench with the celebrant but it is the latter who chants the Capitulum. The *Benedicamus Domino* should be sung, when the service is correctly performed, by the two chanters in surplice, who intone the Psalms and the *Magnificat* from the middle of the choir. (The *Benedicamus* is chanted by the two junior *pluvialistae*, when there are more than two cope-bearers.)

Since with us it is usual to follow Vespers with Benediction of the Blessed Sacrament, it may be interesting to note that for this function one may either have the *pluvialistae* retire and deacon and subdeacon take their places or have them remain in attendance on the celebrant, in which case a priest in surplice and stole should make the exposition and present the monstrance to the celebrant.

THE CORRECT MITRE FOR CONFIRMATION

A member of the Hierarchy proposes a question as to the correct mitre to be worn at Confirmation. His Excellency notes that the gold-cloth mitre, which is usually worn for that ceremony, does not accord well with the white cope which is ordinarily provided and asks whether liturgical requirements would be met by wearing a plain mitre of white silk, ornamented but not so decorated as a precious mitre.

In answer, we beg to call attention to the *Caeremoniale episcoporum*, (*Lib.* I, *Cap.* xvii, 1) which distinguishes three kinds of mitre: the *pretiosa*, the *auriphrygiata*, and the *simplex*. We may

dismiss the elaborate *pretiosa*, which is prescribed for Pontifical Mass and Vespers, and the *simplex*, which is the plain white mitre worn at Requiems, on Good Friday, and certain other occasions, for example, by the assistant consecrators at the consecration of a bishop. Our concern is limited to the *mitra auriphrygiata*. Etymologically, the word *auriphrygiata* means embroidered in gold, the ancient Phrygians having been very adept in this form of ornamentation. In the *Caeremoniale episcoporum* (*loc. cit.*) three styles of this kind of mitre are recognized. It may be made of material woven with small pearls, or of white silk interwoven with gold threads, or of cloth of gold without any ornamentation of gold plates or pearls. The third style of undecorated gold cloth is the style which is generally current when the *mitra auriphrygiata* is prescribed. It is evident, however, from the text of the *Caeremoniale* that the mitre of this class may also be made of white silk interwoven with gold threads. This mitre, though unornamented with embroidery, which is proper only for the *mitra pretiosa*, may carry in gold braid the two bands, traditional for the decoration of the mitre, the *circulus*, which is the band around the head, and the *titulus*, which is perpendicular to the *circulus*.

It should be remarked that the *Caeremoniale episcoporum*, as also the *Pontificale romanum*, sometimes uses the term *mitra simplex* meaning the *auriphrygiata* and sometimes meaning the plain white linen mitre. We must judge from the context which style is to be understood. Thus *mitra simplex* in the directions for Pontifical Mass (*Caer. epis.*, *Lib.* II, *Cap.* viii) evidently refers to the *auriphrygiata* while *mitra simplex* where services for the dead are treated must be understood of the mitre of white linen (*Caer. epis.*, *Lib.* II, *Cap.* xi).

Our conclusion, therefore, is that for Confirmation and for other functions, like ordinations and consecrations, where the *mitra auriphrygiata* is prescribed, a mitre of unornamented cloth of gold or one of white silk with the gold threads may be worn. In either case, the bands known as the *circulus* and *titulus* may decorate the mitre as they are not considered as ornamentation, unless they are of an elaborate character (cf. Nainfa, *The Costume of Prelates*, p. 112).

PAX PER INSTRUMENTUM

Question: Is there any authority for the use of the *instrumentum pacis* to convey the Pax to priests in the sanctuary or even to laity in the pews at Low Mass? I have heard that this is done in some places at Nuptial Mass.

Answer: Although the practice has fallen into desuetude, the rubrics of the Missal (*Ritus servandus*, X, 3) still contain directions for giving the Pax *per instrumentum* at Low Mass. This is done by having the priest kiss the Pax-board after the first prayer before his Communion, saying *Pax tecum*. The instrument is then carried by the server to the person who is to receive the *Pax*. *Et cum spiritu tuo* is answered by the server when he takes the instrument from the priest. *Pax tecum* is said by the carrier to the person receiving the Pax, the latter answering, *Et cum spiritu tuo*.

This practice is prescribed for Low Mass celebrated in the presence of a Bishop within the limits of the territory under his jurisdiction (*Caer. epis., Lib.* I, *Cap.* xxx). So far as the Missal is concerned, it may be performed at any Low Mass and not only for the clergy but also for the laity. If it does not cause too great *admiratio populi* we should think that the ceremony might well be observed on special occasions, such as Nuptial Masses.

The *instrumentum pacis*, called also Pax-board and Pax-brede, it may be remarked, is made in the form of metal disk or a rectangular icon of silver or gilt, bearing a picture, such as the Agnus Dei, and provided with a handle. A white cloth is carried with it to wipe it off and some authors would add a veil of the color of the day in which to carry the instrument.(Martinucci, I, 1, 103).

WILLIAM J. LALLOU

GOD SPEAKS THROUGH THE CHURCH

God speaks through the Church: therefore there can be nothing more certain or greater than the authority of the Church . . . Nothing is more certain than God himself teaching, and therefore there is nothing more certain than the authority of the Church. This follows because the ordinary manner by which God teaches is through the voice of the Church, to which he has given the power of teaching.

—Thomas Stapleton, in his *Authoritatis ecclesiasticae circa S. Scripturarum approbationem . . . defensio* (Antwerp, 1592), p. 137.

Analecta

The allocution of our Holy Father to the auditors and the officials of the Sacred Roman Rota delivered on Oct. 6, 1946,[1] is one of the four allocutions appearing in the twelfth number of the 1946 volume of the *Acta Apostolicae Sedis*. In it our Holy Father speaks of two types of case subject to the judiciary power of the Church: cases involving the faith and cases involving marriage. He notes that these emphasize the difference between ecclesiastical and secular courts, since both are sacred and not within the jurisdiction of the secular court, except, in the case of marriage, the investigation of the validity of a marriage contra ted between two unbaptized persons. He observes that even the name of the tribunal charged with the defense of the faith shocks the sensibilities of men fascinated by the doctrine of religious indifferentism. But this tribunal does not compel anyone to embrace the faith, it acts only against those who have abandoned it. Our Holy Father points to canon 1351 which forbids the coercing of anyone into the acceptance of the faith, and he takes occasion of this reference to deny that the Holy See was in any way responsible for alleged forced conversions in Yugoslavia, quoting a Memorandum of the Secretariate of State of Jan. 25, 1942, to substantiate his statement. In reference to marriage cases, he begs the members of the court to be patient with the increased number of cases which modern decadence, influencing even Catholics, has brought before it, and to hope for the day when the Church will be able to create an environment in which marriage will no longer be the object of contempt. In conclusion he prays that our Lord will look graciously on their labors and shower upon them abundant blessings. He closes with the imparting of the Apostolic Benediction.

A second allocution reported in this number of the *Acta* is that delivered on Sept. 29, 1946,[2] to the members of the Christian Trade Unions of Italy. Our Holy Father at the very beginning expresses his pleasure that on the occasion of their first Congress they should come to him asking for his blessing. He tells them

[1] *Acta Apostolicae Sedis*, XXXVIII (1946), 391 [2] *Ibid.*, p. 389.

that he bestows it most willingly with the hope that it may be a sign and a source of strength for a threefold solemn promise of loyalty: to God, to the Church, and to fatherland. Let them be the leaven, he prays, penetrating the mass of workingmen to transform them according to the Christian way of life. Let them not be deceived into thinking the Church is not their friend. The Church does not delude the workingman. The records of the preceding six years show that the Church has pursued an open and consistent policy in favor of the social betterment of the workingman. Let them come to the aid of their country, through tenacious constancy playing the role of upright citizens and exemplary Catholics in opposing all that is tainted with crass egoism, violence, hatred, and revolt.

A third allocution is that of Sept. 17, 1946,[3] delivered to the twenty-ninth General Congregation of the Society of Jesus. Our Holy Father congratulates the assembled members of the Society on their choice of a new Superior General whom he calls a worthy successor of Very Rev. Vladimir Ledóchowski. He commends their fortitude in the midst of the hardships of war and of the charity with which one province came to the assistance of others. He insists that the fields are ripe for the harvest even in once Catholic lands and commends the pursuit of knowledge, to be based on the philosophy of St. Thomas, as their own constitutions suggest, in order that the learned unbeliever may be met by the learned believer and thus won to Christ. Avoidance of novelties that threaten the foundations of the immutable doctrines of the Church is emphasized, as well as loyalty to the fundamentals of their own constitutions, especially the third year of probation. The allocution ends with the imparting of the Apostolic Benediction.

The fourth allocution was delivered on Sept. 22, 1946,[4] to the General Chapter of the Dominicans. Our Holy Father selected a sentence from their constitutions as the theme of his allocution: "*in pace continui, in studio assidui, in praedicatione ferventes.*" He praised the labors of Very Rev. Martin Gillet, congratulated the new Master General, and spoke appreciatively of the Leonine Edition of the Works of St. Thomas. He closed with the Apostolic Benediction.

[3] *Ibid.*, p. 381.

[4] *Ibid.*, p. 385.

On Sept. 14, 1946,[5] our Holy Father delivered a radio message to the Swiss in which he pointed to their Confederation as a complete refutation of the erroneous tendency to identify the state with nationality. He praised them for their charity to the rest of the world and recommended their concept of democracy, not an artificial device, but a way of life which is the fruit of centuries of growth. The true liberty on which it is based is characterized by two special qualities: adherence to the laws of commutative justice and recognition of the law of God in relation to marriage and the family. Our Holy Father recalled to them the words of their national anthem which urge unfailing trust in God and unswerving loyalty to the faith of their forefathers. Of these qualities an atheistic world stands undeniably in urgent need. Our Holy Father prayed that the faith of the Christian, so dear to Blessed Nicholas of Flue, the strong foundation of their own Confederation, might be the continued object of their affection.

Four epistles of our Holy Father are also published in this number of the *Acta*. One, dated April 28, 1946,[6] appointed His Eminence, Luigi Cardinal Masella Legate for the Crowning of Our Lady of Fatima. Another, dated June 16, 1946,[7] appointed His Eminence, Juan Cardinal Guevara, Archbishop of Lima, Legate for the National Eucharistic Congress of Bolivia at Sucre. A third, dated June 29, 1946,[8] appointed Most Rev. Giuseppe Beltrami, Apostolic Nuncio to Colombia, Legate for the Marian Congress in Bogotá. The fourth, dated July 27, 1946,[9] was addressed to the twenty-third Convention of "*Semaines Sociales*" held in St. Hyacinthe in Canada. All close with the imparting of the Apostolic Benediction. The Eminent Legate to the Marian Congress was also empowered to impart a plenary indulgence, in our Holy Father's name, on a given day at the end of the Pontifical Mass.

RECENT PONTIFICAL APPOINTMENTS ANNOUNCED IN THE *Acta Apostolicae Sedis*

Assistant at the Papal Throne:

Nov. 13, 1945: Most Rev. Andrew J. L. Brennan, D.D., Titular Bishop of Telmisso.

[5] *Ibid.*, p. 373.
[6] *Ibid.*, p. 376.
[7] *Ibid.*, p. 377.
[8] *Ibid.*, p. 378.
[9] *Ibid.*, p. 379.

Protonotary Apostolic, ad instar participantium:

Dec. 21, 1945: Rt. Rev. Msgr. Andrew K. Gwynn, of the Diocese of Charleston.

May 5, 1946: Rt. Rev. Msgr. Francesco Lardone, of the Archdiocese of Turin.

July 30, 1946: Rt. Rev. Msgr. Thomas F. Markham, of the Archdiocese of Boston.

Papal Chamberlains Supernumerary of His Holiness:

Jan. 26, 1946: Very Rev. Msgrs. Arthur J. Breen, Raymond P. Duggan, and Timothy J. Gannon, of the Archdiocese of Dubuque.

June 9, 1946: Very Rev. Msgr. John C. Kirk, of the Diocese of Savannah-Atlanta.

June 17, 1946: Very Rev. Msgrs. Herman E. Mattingly and Francis J. Schwendeman, of the Diocese of Columbus.

JEROME D. HANNAN

The Catholic University of America,
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THE MYSTICI CORPORIS IN THE HISTORY OF DOGMA

The significance of the *Mystici Corporis* lies first in this: it marks the end of a whole era of the Church's life, the end of an era which has taken six hundred years to run its course.

The era which is closing—to name it for the central issue which distinguished it—has been an age of struggle for the dogma of the visibility of the Kingdom of God on earth. The era of that struggle dawned in the fourteenth century, with the *Defensor pacis* of Marisilius of Padua, denying the divine origin of the Primacy. It had its morning as Wyclif, and then Hus, fought to identify the Church with an invisible assembly of the predestined. The Reformation, repudiating the whole visible fabric of the Church, was its high noon. It is ending now, in the twilight of a Protestantism whose strength—insofar as that strength is specifically Protestant—is largely spent.

. . . The era dominated by struggle for the visibility of the Church is over. An era of struggle for the supernaturalness of God's Church has begun. The encyclical on the Mystical Body of Jesus Christ ushers in the new age and gives to theology its basic directives for the action ahead.

—John Joseph Bluett, S.J., in "The Theological Significance of the Encyclical 'Mystici Corporis,'" published in the first volume of the *Proceedings of The Catholic Theological Society of America* (Washington: Holy Redeemer College, 1947), pp. 46 f.

Book Reviews

THE FORMATIVE YEARS OF THE CATHOLIC UNIVERSITY OF AMERICA. By John Tracy Ellis, Washington, D. C.: The American Catholic Historical Association, 1946. Pp. 415. $3.00.

The author is the secretary of the Catholic Historical Association and editor of the *Catholic Historical Review.* He states in the preface that he limited his subject to the development of the University from the letter of Archbishop Martin J. Spalding of Baltimore to Bishop John Timon of Buffalo in 1865 to the opening of the University in 1889, a period of twenty-four years. To introduce his subject and to call attention to the aim of that seat of learning, he devotes about thirty pages to the development of other universities in Europe and America.

He lays the foundation for his thesis in the proposition of the Archbishop Spalding of Baltimore at the Second Plenary Council in that city, to establish a higher institution of learning in the United States. However, this prelate could find only a few bishops who seconded his proposition, because they believed that the general foundations of the Catholic school system in the United States were too weak to insure success. Still, from this attempt a number of enthusiasts took courage to carry out such a plan. Thus ten years later Bishop Thomas A. Becker of Wilmington brought about a more general interest for the subject by his article in the *American Catholic Review* "Shall we have an University?" This work was shortly afterwards continued by the Most Rev. John Lancaster Spalding, Bishop of Peoria. He can well be called the first promotor of the academic foundation of the Institution, and after his epochal sermon in Milwaukee in 1881, many looked to him already as the first Rector of the University, but he refused to leave his diocese.

From that time the project became prominent, and the author describes this condition by dealing with three main questions: (1) What shall the University be, a higher ecclesiastical seminary or also a seat of learning for laymen? (2) Where should this institution be established, in Baltimore, New York, or Washington? (3) Who is to be appointed promotor of the undertaking in the United States and in Europe?

In giving the relevant correspondence our historian was painstaking almost to a fault by noting in these key-letters even oversights and mistakes. From this correspondence we can see the diplomacy of James Cardinal Gibbons, who became the leader in the project and brought it to success. We admire the tireless efforts of Bishop Keane of Richmond, who was chosen promotor and studied the problems here and abroad. We are told of the enthusiasm of Archbishop Ireland of St. Paul, who advanced the cause in the West and in Rome. We hear of

the changeable attitude of the Archbishop Corrigan of New York. We are also informed of the opposition of Bishop McQuaid of Rochester, the leader of the "diehards," who wished to develop first the courses in the lower schools of the country as a basis for a university. This part of the narrative relates a dramatic episode: the meeting of Bishops Keane and McQuaid in Rome, each with the aim of obtaining his object: the approval or disapproval of the University by the Holy See.

From time to time the writer also enters into the question of the material support of the institution. He gives due praise to Miss Mary Gwendoline Caldwell for her generous gift, but other smaller contributions by ecclesiastics, laymen, and societies are not forgotten. It is surprising today that some Catholics and non-Catholics made objections to the selection of Washington as the site for the University or the appointment of professors from Europe. The former thought the capital not sufficiently "ecclesiastical in its atmosphere," the latter considered the calling of "foreign" professors as an un-American attitude of its promotors. Without a doubt no better place could have been chosen, and some individuals among these European professors contributed much to give the institution a proper position in the academic world. From the correspondence of Abbot Boniface Wimmer it is evident that the thought of a university was in the minds of American prelates already before 1865. He wrote to Archbishop Scherr of Munich on Dec. 10, 1859: "The American bishops are planning two universities: one for the East, the other for the West. I was invited to assist in the eastern project, but so far no definite plan has been adopted. Most probably the aim will never be achieved. This invitation at least shows that they are thinking of us. We ought to have one ourselves."

The book gives in the preface a large list of persons who assisted in gathering the material from the various archives, and at the end a special "note on the Sources." The reader will find the work well written, the sources scientifically used and the presentation entertaining. The French texts have a few flaws which were overlooked by the proof-reader.

FELIX FELLNER, O.S.B.

CANON LAW. A text and commentary. By T. Lincoln Bouscaren, S.J. and Adam C. Ellis, S.J. Milwaukee: The Bruce Publishing Co., 1946. Pp. xiii + 942. $8.50.

Fr. Bouscaren and Fr. Ellis have done the seminaries of this country a great service in making available this one volume work which will, we are certain, prove very convenient for both the students and the teachers in the course of Canon Law given during the years of the

course in Sacred Theology. It is quite obvious that the matter covered in the full three year course in Canon Law cannot be given in its entirety to the students who are taking the course in Sacred Theology. It is necessary to cut here and there, and to shorten the discussion of those portions of the Code which can be covered. The lectures in Canon Law, furthermore, are not of equal rank with those in some other subjects. The time alloted to the Canon Law course is also rather brief. This work by Fathers Bouscaren and Ellis will be well adapted to the needs of seminaries, both as to the omission of certain canons which call for the more detailed treatment of a full course in Canon Law, and as to the shortening of the discussion of the others to adapt the presentation to the hours available in the theological curriculum and to the relative importance of the subject.

The method adopted by the authors commends itself, for they have provided an exposition of the canons in the vernacular in such wise that if the book is taken in conjunction with the Code itself the students should find it quite simple to get at the true meaning of the Latin canons. The outline surveys given at the beginning of the treatment of the various subjects will enable the reader to grasp quickly and easily just what points are covered therein. So clear a presentation of the matter will make it possible for the teacher to get on quickly to a discussion of each point, since he will not have to delay too long in introducing the subject to his hearers. A further aid to the teacher and to the student as well are the examples and cases which serve to illustrate the force of the canon under discussion. Too often there is danger that the explanation of a Code of laws will become too abstract and too remote from the every-day life of which the law is a vital part. In this work the authors have wisely tied the law down to things which will be likely to come up in the experience of the student when he is out in the ministry. The questions which close the treatment of each subject provide a ready and useful means for reviewing the knowledge obtained as well as for checking the appreciation of the student for the practical values of the laws explained.

Fr. Bouscaren himself has contributed the portions dealing with General Norms (can. 1-86), Clerics (can. 87-486), Marriage (can. 1012-1143), and Crimes and Penalties (can. 2195-2414). Fr. Ellis has contributed the portion dealing with Religious (can. 487-681). The two authors together have prepared the portions on Indulgences (can. 911-936), Orders (can. 948-1011), Sacred Places and Times (can. 1154-1254), Divine Worship (can. 1255-1321), Teaching Office of the Church (can. 1322-1408), Church Property (can. 1495-1551).

It will be noted that certain canons are not set forth. As to these, the teacher, if he has time, can himself supply the observations which will

be necessary. In the opinion of this reviewer, however, it would be desirable that the authors at some time in the future put out a text and commentary in a second volume which will cover the canons omitted from the present work. It is very likely that this book will find its way into the hands not only of the seminarians of the country, our future pastors, but also of those who are already ordained. To avoid the difficulty which they will feel in reaching for another book by another author when they want information on the canons which are not set forth in this volume, it would be well if they could have on their desks the companion to the present volume.

The usefulness of the work from the point of view of those in parish work is increased by the nineteen-page general index and the fourteen-page index of canons. With such an aid in finding what they want without delay the parish clergy will have an answer almost as quickly as the canonists themselves.

The readings which are listed at the end of the various sections of the work will afford much useful information for those who desire to go into a subject more deeply. It might be mentioned, however, that there have been dissertations on subjects pertaining to Marriage and Orders published by the Catholic University of America Press since 1942 and 1943. Perhaps a second edition will take into account these newer works in the field.

The reader will find much valuable material in the foot-notes, too. To cite but two examples from the section on Marriage, there is a good list of canonical reasons for dispensing from matrimonial impediments, and there is also an interesting list of the places where the priest must have State authorization before assisting at marriages.

The publisher is to be commended for giving the work such an attractive format. The type is clear and the judicious use of boldface and italic type with the Roman of the text makes the important matter on each page stand out well, so that the reader can quickly recognize what he is looking for.

THOMAS OWEN MARTIN

CATECHETICAL DOCUMENTS OF POPE PIUS X. By Joseph B. Collins, S.S., D.D., Ph.D. Paterson, N. J.: St. Anthony Guild Press, 1946. Pp. lxviii + 204. $2.50.

This timely work of Dr. Collins, Director of the National Center of the Confraternity of Christian Doctrine, includes the translations of twenty-three catechetical documents and of selections from twelve others; some from writings of Pope Pius X, others from Conciliar and Papal State documents of his pontificate. It also contains the original texts of these documents and an introduction in the form of biographical

notes on the "Life of Pope Pius X" and "Pope Pius X and the History of Catechetical Legislation."

Dr. Collins, by his translation of these documents, brings to English-speaking readers an appeal for catechetical instruction which was heard so frequently during the pontificate of the saintly Pius X. In the encyclical letter, *Acerbo nimis,* the voice of this Holy Pontiff rings out in clarion notes the great need for catechetical instruction to people then and at all times. The other documents, in the light of this great letter, seem but an echo of this appeal which gains force by its application to particular groups. This is particularly true of the decree, *Sacra Tridentina synodus,* of the Sacred Congregation of the Council, on the necessary dispositions for frequent and daily reception of Holy Communion, and the decree, *Quam singulari,* of the Congregation of the Sacraments, on the age of children who are to be admitted to First Holy Communion.

There is one document, however, which is not overshadowed by the encyclical letter, *Acerbo nimis.* It is the allocution, *Je vous remercie,* which the Holy Pontiff delivered on April 14, 1912, to a group of children who, having received First Holy Communion, journeyed from France to visit him. In this address the appeal is presented by example rather than by word.

Besides the appeal for catechetical instruction and other points of catechetical import which these documents convey we receive from them an insight into the saintly character of Pope Pius X. Truly descriptive of this is the following passage from the letter, *Inter multa,* written to the Cardinal Vicar of Rome on Jan. 12, 1905. How completely it displays the great zeal for souls which this Holy Pontiff possessed! He wrote to the Cardinal Vicar as follows: "The evil spirit of the times seeks to confine the priest to the sanctuary. Let that be as it may! But above all let parish priests realize that the soul of youth is itself a most holy sanctuary. It is their duty to enkindle and to preserve the sacred fire in these living sanctuaries—sanctuaries into which impious hands would seek to cast flames of passion."

The biographical notes have enlarged the scope of Dr. Collin's work. This is particularly true of the "Life of Pope Pius X" which appeared in pamphlet form and has already played an important part in promoting the cause of this Venerable Servant of God in the United States. Although the pamphlet deals principally with the life-time interest of Pope Pius X in catechetical instruction, it touches sufficiently upon other parts of his life to whet one's appetite for a greater knowledge of this saintly Pontiff.

The *Catechetical Documents of Pope Pius X* are of the utmost importance today. Dr. Collins is to be commended for his good work in translating them.

PATRICK J. VEALE, S.S.J.

Book Notes

One of the most important and useful works of American Catholic scholarship is the recent volume *Decreta septem priorum sessionum Concilii Tridentini sub Paulo III Pont. Max., ex autographo Angeli Massarelli* (Washington: The Catholic University of America Press, 1945). Dr. Stephan Kuttner, a professor of Canon Law at the University, has published in this distinguished volume photostatic reproductions of the individual pages of manuscript A.225A in the Morgan Library of New York. On the page opposite each photostat he placed a word for word typographical reproduction of the text. The printed pages contain critical notes of the highest value to theologians and canonists. The Rev. Dr. Jerome D. Hannan, likewise a member of the Catholic University's faculty of Canon Law, has contributed an excellent historical preface to the work.

Angelo Massarelli was chosen secretary of the Council of Trent at its first session, held on Dec. 13, 1545. After the Council had voted to transfer its meetings to the city of Bologna, he agreed to make an authentic copy of the decrees of the first seven sessions for Antoine Filheul, Archbishop of Aix. This copy was begun on Dec. 2, 1547 and completed on Feb. 5 the following year. Two of the three presidents of the Council, Cardinals de Monte (later Pope Julius III) and Cervini (later Pope Marcellus II) attested the authenticity of this copy by their signatures.

Archbishop Filheul had the copy bound and stamped with the arms of the King of France, evidently intending to present this manuscript to the monarch. He changed his mind, however, and later gave the King a copy of his document. The copy actually presented to the King is now in the National Library of Paris. The document which Massarelli wrote for Archbishop Filheul and which contains the signatures of the two Cardinals is the one now in the Morgan Library.

This book is The Catholic University of America's contribution to the current Tridentine celebrations. The learned editor and the author of the preface have placed the world of learning in their debt. *The American Ecclesiastical Review* will carry a more extended review of this work in a later issue. The book sells for five dollars.

Italy's famed Catholic University of the Sacred Heart in Milan has published an excellent booklet, *Il IV centenario del Concilio di Trento* (Milano: Società editrice "Vita e pensiero," 1946). The work contains the texts of four excellent conferences delivered to the members of that University at the celebration of the four hundredth anniversary of the Council

Among the more recent books sent to the *Review* are three highly commendable reprints. One of them, *Prophets of the Better Hope* (Milwaukee: The Bruce Publishing Company, 1946), was written by the illustrious prelate who once edited *The American Ecclesiastical Review*, Msgr. William J. Kerby, long a distinguished member of the Catholic University's faculty. *Prophets of the Better Hope* is made up of articles that appeared in this magazine over a quarter of a century ago. So highly prized were these essays on the priesthood that Longmans, Green, and Company published them in book form in 1922. The Dolphin Press republished the book fifteen years later. This new edition, brought out under the auspices of the William J. Kerby Foundation, carries an introduction by the Most Rev John Gregory Murray, Archbishop of St Paul It sells for $3.75 Bruce has also issued a new printing of Archbishop Alban Goodier's *An Introduction to the Study of Ascetical and Mystical Theology*, a volume which was first published in 1939 It is priced at $3.00.

The Newman Bookshop at Westminster, Maryland has reprinted John L. Stoddard's English translation of the classical work, *The Theology of St. Paul*, by Fernand Prat, S.J. The two volumes of this work sell together for $8.50. The publisher has done a signal service to American priestly scholarship in making Fr. Prat's masterpiece, long out of print, again available in our country.

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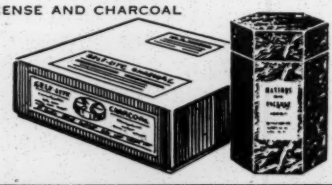

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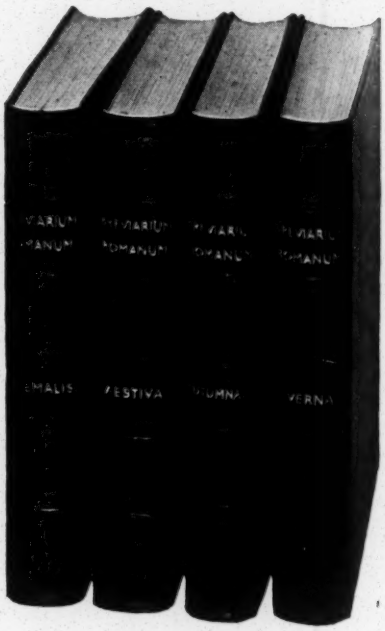

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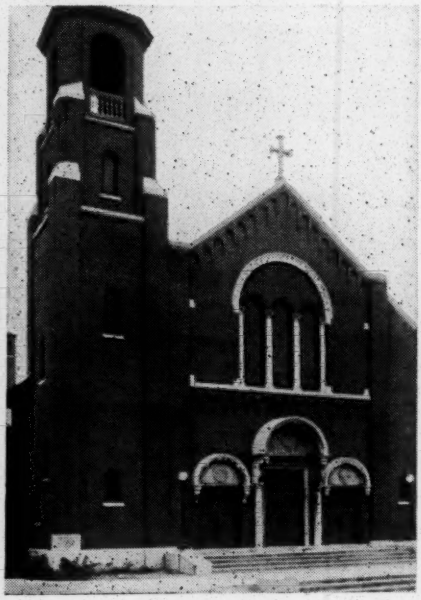

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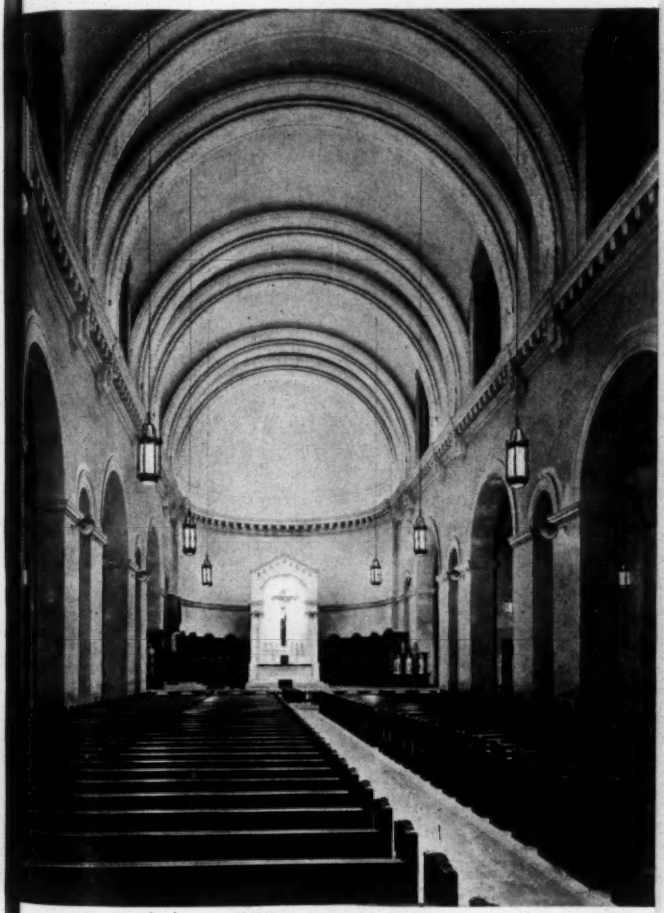

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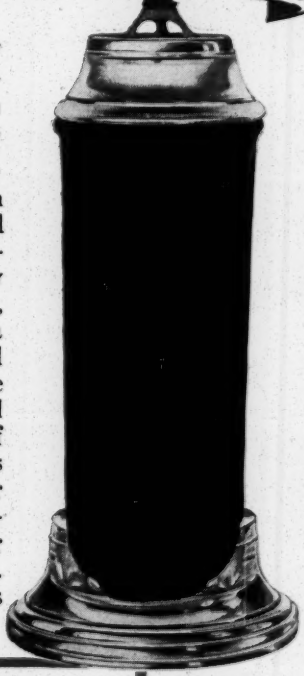

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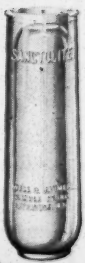

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